

County, Tex., in support of increased pensions for Civil War veterans and widows; to the Committee on Invalid Pensions.

3817. By Mr. WYANT: Petition of Maj. Gen. Arthur St. Clair Chapter of the U. S. D. of 1812, favoring passage of Lankford bill; to the Committee on the District of Columbia.

3818. Also, petition of Greensburg Council, No. 169, Junior Order United American Mechanics, favoring House bill 3; to the Committee on Immigration and Naturalization.

3819. Also, petition of L. W. Kintigh, R. F. D. No. 2, Irwin, Pa., indorsing Capper-Ketcham bill; to the Committee on Military Affairs.

3820. Also, petition of Olympia-Oakford Park Co., McKeesport, Pa., protesting against the passage of Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3821. Also, petition of Raymond E. Maxwell, Haverford, Pa., protesting against naval appropriations bill; to the Committee on Appropriations.

3822. Also, petition of Washington Camp, No. 627, Patriotic Order Sons of America, Salina, Pa.; to the Committee on Immigration and Naturalization.

3823. Also, resolution of American Dental Association, indorsing House bill 5766; to the Committee on the Judiciary.

3824. Also, petition of Loring, Short & Harmon, Portland, Me., favoring passage of House bill 11; to the Committee on Interstate and Foreign Commerce.

3825. Also, petition of the Queensberry Club, favoring House bill 7736; to the Committee on the Judiciary.

## SENATE

TUESDAY, February 14, 1928

(Legislative day of Monday, February 13, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Sheppard
Barkley	Fess	McLean	Shipstead
Bayard	Fletcher	McMaster	Shortridge
Bingham	Frazier	McNary	Simmons
Black	George	Mayfield	Smith
Blaine	Gerry	Moses	Smoot
Borah	Glass	Neely	Steck
Bratton	Gooding	Norbeck	Stelwer
Brookhart	Gould	Norris	Stephens
Broussard	Greene	Nye	Swanson
Bruce	Hale	Odell	Thomas
Capper	Harris	Overman	Tammell
Caraway	Harrison	Phipps	Tydings
Copeland	Hawes	Pine	Tyson
Couzens	Hayden	Pittman	Wagner
Curtis	Heflin	Ransdell	Walsh, Mass.
Cutting	Howell	Reed, Mo.	Walsh, Mont.
Dale	Johnson	Reed, Pa.	Warren
Deneen	Jones	Robinson, Ark.	Waterman
Dill	Kendrick	Robinson, Ind.	Watson
Edge	Keyes	Sackett	Wheeler
Edwards	King	Schall	Willis

The VICE PRESIDENT. Eighty-eight Senators having answered to their names, a quorum is present.

### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the Oscawana Democratic Club, of Queens County, New York City, N. Y., indorsing the stand of Senator JOSEPH T. ROBINSON in favoring religious tolerance, which were ordered to lie on the table.

The VICE PRESIDENT also laid before the Senate cablegrams from the president of the Senate and the speaker of the House of Representatives of Porto Rico, which were referred to the Committee on Territories and Insular Possessions and ordered to be printed in the RECORD, as follows:

[Cablegram]

SAN JUAN, P. R., February 14, 1928.

The PRESIDENT OF THE SENATE,

Washington, D. C.:

Upon the opening of the legislature this senate this day on which the birth of the liberator and martyr President is being celebrated, remembering his memorable sentence, "The Government of the people, by the people, and for the people shall not perish from the earth," unanimously resolved to ask you to apply these words to our island through the enactment of the bills introduced by our Resident Commissioner providing for the election of the Governor of Porto Rico by the vote of the people at the elections of 1932 and authorizing our people to draft their own constitution.

ANTONIO R. BARCELO,

President of the Senate of Porto Rico,

[Cablegram]

SAN JUAN, P. R., February 13, 1928.

The PRESIDENT OF THE SENATE OF THE UNITED STATES,

Washington, D. C.:

This house at the opening of its sessions on this day when the birth of the liberator and martyred President is celebrated wishes to remind you of his memorable sentence, "The Government of the people, by the people, and for the people shall not perish from the earth." Porto Rico demands that the principles involved in those words be applied to our island in the form of public institutions recommending to Congress approval of bills introduced by our Resident Commissioner providing the election of the Governor of Porto Rico by the vote of her people at the elections of 1932 and enabling our people to formulate our own constitution, thus acting in accordance with the several memorials presented to Congress by our legislative assembly.

JOSE TOUS SOTO,

Speaker House of Representatives.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on Claims:

Senate Joint Resolution 2, memorializing Congress relative to reimbursement by the Government of the United States for moneys paid by the State of Nevada for military purposes

[Approved February 4, 1928]

Whereas the Territory of Nevada was created by act of Congress March 2, 1861; and

Whereas said Territory was repeatedly called upon by the commanding general of the Department of the Pacific during the years 1863 and 1864 to furnish and equip troops to protect from warring Indians the overland mail route; and

Whereas at that time the routes to the Pacific coast by sea had been closed and there were not sufficient troops otherwise available to protect and keep open said overland route; and

Whereas the conditions then existing and the exigency of the occasion is shown by the statements of General Wright, one of the many similar being, "The Indian disturbances \* \* \* threaten the entire suspension of our mail facilities as well as preventing any portion of the vast immigration approaching from the East. \* \* \* It is impossible for us at this moment to purchase horses and equipment. Each man would have to furnish his own"; and

Whereas the Territory of Nevada then comprised a vast, sparsely populated desert region between two great mountain ranges, 1,500 miles distant from railroad communication, and where the then cost of living vastly exceeded that of any other section of the United States; and

Whereas in pursuance of said most urgent calls for troops, repeatedly made, the Territory of Nevada provided a regiment of Cavalry and a battalion of Infantry, by the aid of which troops only the overland mail, stage, and immigration route was kept open to the Pacific coast; and

Whereas in order to at all provide sufficient troops for the purpose the Territory was compelled to, and did by act of its "legislative power," provide for the payment to her troops of certain compensation in addition to that then provided to be paid by the United States to troops in other sections of the country, and to meet such payments the Territory, being without other means, was compelled to and did authorize a bond issue in the sum of \$100,000; and

Whereas such additional compensation was intended to cover the expenses of recruits prior to being mustered into the service and to equalize in part the difference in the purchasing power of the soldier's pay due to the increased cost of all necessary supplies in the region; and

Whereas the officials of the Territory may well have assumed that the Territory would be reimbursed under the provisions of the act of Congress of July 27, 1861, entitled "An act to indemnify the States for expenses by them in defense of the United States" (12 Stat. 276), and the letter of Secretary of State, Hon. William H. Seward, of date October 14, 1861, addressed to governors and containing the statement, "There is every reason to believe that Congress would sanction what the State should do and would provide for its reimbursement"; and

Whereas under the act of Congress creating the Territory of Nevada "legislative power was vested in a governor," appointed by the President, "and a legislative assembly," and all legislative acts and executive proceedings were required to be transmitted to the President of the United States and to the Senate and House of Representatives, and were so transmitted, and no objection was made by the President or the Congress to said acts creating said debt for said military purposes; and

Whereas on March 21, 1864, Congress adopted an enabling act authorizing the people of the Territory to frame a constitution and to become admitted into the Union as a State; and

Whereas the impelling motive of the administration and of Congress at that time in adopting such enabling act was to create an additional State in order to provide for ratification of the then contemplated amendment to the Constitution of the United States abolishing slavery, which proposed amendment was deemed by the administration of President Lincoln, according to the statement of Hon. Charles A. Dana, then Assistant Secretary of War, to possess a moral force "equivalent to

new armies in the field—that it would be worth at least a million men”; and

Whereas in pursuance of said enabling act the people of the Territory of Nevada adopted a constitution and submitted the same to President Lincoln for approval, notwithstanding the fact that the people of the Territory had just previously overwhelmingly defeated a similar proposed constitution initiated by Territorial action, and notwithstanding the further fact that the effect of admission to statehood was to shift the expense of local government from the United States to the few people then inhabiting the Territory; and

Whereas upon admission the State was morally bound to assume payment of all debts and obligations contracted by the Territory, which assumption was made by a provision of the State constitution and the same approved in accordance with the provisions of the enabling act by President Lincoln; and

Whereas the State of Nevada was bound to and did continue to carry out the policy inaugurated by the Territory, and did carry out its obligations to pay the debts created by the Territory and others necessarily contracted in continuing such policy, and that in order to do so the State was compelled to and did borrow money upon a bond issue for such purpose, and has since continued to refund said bonds and to pay interest upon the same; and

Whereas by acts of Congress of June 27, 1882 (22 Stat. 111), and October 6, 1886 (24 Stat. 217), the Secretary of the Treasury, with the aid of a board of examiners consisting of Army officers, was required “to examine and investigate” the claims of certain States and Territories, including that of Nevada, said act of 1882 providing “that no higher rate shall be allowed for the services of said forces and other proper expenses than was allowed and paid by the United States for similar services in the same grade and for the same time in the United States Army serving in said States and Territories, and for supplies furnished in the same country”; and

Whereas there were no other soldiers of the United States Army serving in said Territory and receiving less pay than that received from all sources by troops raised in the Territory of Nevada; and

Whereas the said board of examiners reported that with the “extra pay” allowed under the Territorial act “their compensation from all sources did not exceed, if, indeed, was equal to, the value of the money received as pay by the troops stationed elsewhere,” and that in passing the Territorial act “the legislature was mainly instigated by a desire to do a plain act of justice,” and that the term “bounty,” as used in the Territorial act was in fact a payment made to captains of military companies “for expenses incurred by them in enlisting, lodging, and subsisting the men prior to their entering the United States service \* \* \* and under the circumstances this expense was economical”; and

Whereas said board of examiners rejected said disbursements because of the technical reason they were described in the statute as “bounty and extra pay,” notwithstanding the findings of fact made by said board show that such disbursements were in no way a gratuity, but, upon the contrary, were in one case “economical” and in the other a “plain act of justice”; and

Whereas both the said board of examiners and the Court of Claims in considering the matter of such disbursements felt bound by general laws, and hence could not consider conditions and circumstances peculiarly applying to Nevada alone and to the equities of her case; and

Whereas by an act of Congress approved March 3, 1899 (30 Stat. 1206), the Secretary of the Treasury was required “to investigate and report to Congress \* \* \* the amount furnished by the State of Nevada or by the Territory of Nevada and assumed by said State \* \* \* with such interest on the same as said State has actually paid, together with what amounts have been heretofore paid by the United States”; and

Whereas in pursuance of said act of Congress of March 3, 1899, the Secretary of the Treasury transmitted to Congress “a statement of the case made by the Auditor of the War Department,” from which it appears that, inclusive of the interest paid by the State to January 31, 1899, there remained “the sum of \$462,441.97 for which the State has not been reimbursed”; and

Whereas since the furnishing of said statement made in compliance with said act of Congress no material part of said sum “for which the State has not been reimbursed” has been paid; and

Whereas the Senate of the United States upon four several occasions passed measures providing for the reimbursement of the State of Nevada in full for all her said war expenditures, and appropriate committees of the House of Representatives, after exhaustive investigations, in every instance recommended the passage of such measures; and

Whereas the State of Nevada has not as yet been reimbursed for its said expenditures, but has continually been compelled to pay interest upon the original debt incurred; Therefore be it

*Resolved by the senate and the assembly, That it is the sense of the Legislature of the State of Nevada that if, as would appear to have been determined by the board of war examiners and the Court of Claims, a strict legal obligation does not rest upon the Government of the United States to reimburse the State of Nevada for the expenditures by it assumed and incurred for military purposes in keeping open the over-*

land mail route to the Pacific coast during the time of the War between the States, that in equity the Government of the United States should reimburse the State of Nevada for such expenditures, and that in addition thereto a moral obligation is imposed to make such reimbursement, for the following reasons:

First. That the use of the words “bounty and extra pay” in the Territorial statute were misnomers and did not express the real purpose of such act.

Second. That the debt was contracted by Territorial officers created by act of Congress and were in fact Federal officers.

Third. That the acts of the Territorial legislature were submitted to the President and the Congress and were not disapproved.

Fourth. That the Territorial officers in incurring the original debt acted in a great emergency and pursued such methods as were best calculated to accomplish the result required.

Fifth. That in calling upon the people of the Territory to accomplish a great war measure by assuming the obligations of statehood, the State was bound to assume the debts and obligations of the Territory in the first instance, and by approving the constitution the President and the Congress ratified the action of the people of the State in the second instance.

Sixth. That by assuming the obligations of statehood Congress was relieved from an expense of Territorial government vastly in excess of the entire amount assumed and paid by the State of Nevada for war expenditures made upon request of the proper military officers of the United States, and for which it asks reimbursement.

Be it further

*Resolved*, That the action of the State officers in presenting a memorial to Congress for the reimbursement of the State of Nevada, of date December 5, 1927, be approved; be it further

*Resolved*, That the Congress be, and it hereby is, petitioned to provide for the reimbursement of the State of Nevada for the disbursements by it made and referred to in this resolution; be it further

*Resolved*, That a copy of this resolution be transmitted to the United States Senate, to the House of Representatives, to the Comptroller General of the United States, and to our Senators and Representatives in Congress.

MORLEY GRISWOLD,  
*President of the Senate.*

V. R. MERIALDO,  
*Secretary of the Senate.*

D. H. TANDY,  
*Speaker of the Assembly.*

JOHN W. WRIGHT,  
*Chief Clerk of the Assembly.*

STATE OF NEVADA,

*Department of State, ss:*

I, W. G. Greathouse, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original Senate Joint Resolution No. 2 introduced by Senator Fairchild, approved February 4, 1928, now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of state at my office in Carson City, Nev., this 10th day of February, A. D. 1928.

[SEAL.]

W. G. GREATHOUSE,  
*Secretary of State.*

Mr. SIMMONS presented a memorial numerously signed by sundry citizens of Durham and vicinity, in the State of North Carolina, remonstrating against the adoption of the proposed “big Navy program,” which was referred to the Committee on Naval Affairs.

He also presented a resolution adopted by the executive committee of the North Carolina Department, American Legion, favoring the passage of the so-called Tyson-Fitzgerald bill, for the relief of disabled emergency officers of the World War, which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by Camp Chase Adams, United Spanish War Veterans, at Charlotte, N. C., favoring the prompt passage of legislation making an extra appropriation for the “additional Air Corps increment for the Army” and to allow the Budget estimate of \$4,631,927 to remain intact for the exclusive use of training of the Organized Reserves, etc., which were referred to the Committee on Military Affairs.

Mr. WARREN presented a petition of sundry citizens of Rock River, Wyo., praying for the retention of the national-origins provision in the existing immigration law, which was referred to the Committee on Immigration.

He also presented a resolution adopted by Lodge Branting, No. 477, Vasa Order of America, at Laramie, Wyo., protesting against any change of the immigration quotas of Sweden and the other Scandinavian countries, which was referred to the Committee on Immigration.

Mr. FRAZIER presented a resolution adopted by the board of county commissioners of Walsh County, N. Dak., protesting

against the passage of the bill (S. 1752) to regulate the manufacture and sale of stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by Local Union No. 167, Farmers Union, of Francher Township, Ramsey County, N. Dak., favoring the passage of the so-called McNary-Haugen farm relief bill, which was referred to the Committee on Agriculture and Forestry.

Mr. COPELAND presented resolutions adopted by the board of directors of the Maritime Association of the Port of New York, protesting against the proposal embodied in House bill 9481, providing that an appropriation of \$12,000,000 be expended by the United States Shipping Board in reconditioning the steamships *Mount Vernon* and *Monticello*, etc., which were referred to the Committee on Commerce.

He also presented memorials of members of the faculty and student bodies of Union Theological Seminary and Yale Divinity School, protesting against the proposed "big Navy program," which were referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Madison County, N. Y., praying for the adoption of the so-called Capper resolution, for the negotiation of treaties renouncing war as an instrument of public policy, and the so-called Borah resolution for the formal outlawry of war, which were referred to the Committee on Foreign Relations.

He also presented a letter in the nature of a memorial from the Rochester (N. Y.) Theatrical Managers Association, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Pathé Exchange and sundry citizens of the Buffalo district, New York, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Chango Bridge, N. Y., remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

#### REPORTS OF THE AGRICULTURAL COMMITTEE

Mr. McNARY, from the Committee on Agriculture and Forestry, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2148) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes (Rept. No. 303); and

A bill (S. 2149) authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance (Rept. No. 304).

Mr. McNARY also, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2456) to establish game sanctuaries in the national forests, reported it with an amendment and submitted a report (No. 305) thereon.

He also, from the same committee, to which was referred the bill (S. 2832) providing for horticultural experiment and demonstration work in the southern Great Plains area, reported it with amendments and submitted a report (No. 306) thereon.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAYARD:

A bill (S. 3181) granting an increase of pension to Ellenora K. Underwood (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3182) granting an increase of pension to Sallie Bateman Hahn; to the Committee on Pensions.

By Mr. CARAWAY:

A bill (S. 3183) to enlarge the Army and Navy General Hospital at Hot Springs National Park, Ark.; to the Committee on Military Affairs.

By Mr. CUTTING:

A bill (S. 3184) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. JONES:

A bill (S. 3185) for the relief of Leonard Claud Huntington; to the Committee on Naval Affairs.

A bill (S. 3186) to provide for the conservation of fish, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. TYDINGS:

A bill (S. 3187) granting a pension to Max Shar;

A bill (S. 3188) granting a pension to Lucretia Hogg; and

A bill (S. 3189) granting an increase of pension to Frederica Strong Albee; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3190) for the relief of Joseph T. McGuire;

A bill (S. 3191) for the relief of the parents of Garnet Murphy;

A bill (S. 3192) for the relief of the parents of Emmett Murphy, deceased; and

A bill (S. 3193) for the relief of the parents of Donard Murphy; to the Committee on Claims.

By Mr. KING:

A bill (S. 3194) to establish the Bear River migratory-bird refuge; to the Committee on Agriculture and Forestry.

By Mr. NEELY:

A bill (S. 3195) granting a pension to John J. Hughes; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3196) granting an increase of pension to Mary W. McClung (with accompanying papers);

A bill (S. 3197) granting an increase of pension to Austella Stephenson (with accompanying papers); and

A bill (S. 3198) to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read "Army, Navy, and Marine Corps"; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3199) to place Dudley W. Woodward on the retired list of the United States Army as a captain; to the Committee on Military Affairs.

By Mr. SHIPSTEAD:

A bill (S. 3200) to amend subdivision a of section 4 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended; to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 3201) for the relief of Paul D. Carlisle; to the Committee on Claims.

By Mr. REED of Missouri:

A bill (S. 3202) granting compensation to Adelia M. Pierce (with accompanying papers); to the Committee on Finance.

A bill (S. 3203) granting an increase of pension to Mary E. Emerson (with accompanying papers); and

A bill (S. 3204) granting a pension to Mary E. Beckner (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3205) granting an increase of pension to Alvina Murry (with accompanying papers);

A bill (S. 3206) granting an increase of pension to Imildiah J. Chase (with accompanying papers); and

A bill (S. 3207) granting an increase of pension to Phebe J. Irion (with accompanying papers); to the Committee on Pensions.

#### AMENDMENT TO ALIEN PROPERTY BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to House bill 7201, the so-called alien property claims bill, which was ordered to lie on the table and to be printed.

#### PROPOSED AMENDMENT TO THE SENATE RULES—REGULATION AND REGISTRATION OF LEGISLATIVE COUNSEL OR AGENTS

Mr. WALSH of Massachusetts. I submit a resolution proposing a change of the Senate rules. This is the resolution to which I referred on yesterday. I ask that it may be printed in the RECORD and lie over.

The resolution (S. Res. 145) was ordered to lie over under the rule, as follows:

*Resolved*, That the standing rules of the Senate be, and they are hereby, amended by adding a new rule, as follows:

#### RULE XII. REGULATION AND REGISTRATION OF LEGISLATIVE COUNSEL OR AGENTS

All persons employed for hire as attorney or agents to represent individuals, partnerships, societies, corporations, or foreign governments, to advocate or oppose pending legislation, shall register the fact of such employment, a statement of the particular legislation, and the name of their employer with the Secretary of the Senate before engaging in such employment.

Upon motion of any Member of the Senate, supported by a majority vote, any designated employee may be summoned to appear before the Committee on Rules and required to give the names of all persons for whom he is employed, or if an employer, the names of those who were employed by him to influence legislation during the current session of Congress and an account of all expenditures incurred or promised for the purpose.

The chairmen of the committees shall require all persons appearing before them to advocate or oppose pending legislation to state whether they are employed for the purpose, and if so, by whom employed. A list of employers so disclosed shall be kept by the committee, and upon motion of any member any designated employer shall be summoned before the committee and required to give the names of all persons employed by him to influence legislation during the current session of Congress, and an account of all expenditures incurred or promised for the purpose.

#### WELCOME TO COL. CHARLES A. LINDBERGH

Mr. SMOOT submitted the following resolution (S. Res. 146), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate all expenses incurred by the Senate, including necessary expenses for travel for Senators appointed by the Vice President to attend the ceremonies incident to the welcome accorded Col. Charles A. Lindbergh at Washington, D. C., on June 11, 1927.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes.

#### OHIO RIVER BRIDGE, TYLER COUNTY, W. VA.

Mr. NEELY. Mr. President, I ask unanimous consent for the immediate consideration of Calendar No. 300, the bill (H. R. 9186) authorizing the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a toll bridge across the Ohio River at or near Sistersville, Tyler County, W. Va. A similar bill passed the Senate and went to the House. In the meantime the House had passed this bill and sent it here.

The VICE PRESIDENT. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OHIO RIVER BRIDGE NEAR LOUISVILLE, KY.

Mr. SACKETT. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of the bill (H. R. 9660) authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city, and that the Senate proceed to its consideration.

There being no objection, the Committee on Commerce was discharged from the further consideration of the bill, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### NEED OF BETTER VENTILATION IN CAPITOL BUILDING

Mr. COPELAND. Mr. President, I send to the desk and ask to have printed in the RECORD as a part of my remarks an editorial from this morning's Washington Post entitled "Curing a cold."

I have been disturbed about the atmosphere in the Senate Chamber and the atmosphere in various Senate committee rooms. I have observed, for instance, in the Committee on Commerce and the Committee on Appropriations the vilest air. Senators meekly submit to the exposure of their persons to bad atmospheric conditions.

I speak seriously, because I believe that the life of every Senator here is shortened by the way in which he lives in the Capitol.

I have had pending for a long time a measure seeking to remodel the Senate Chamber, in order that outside air may be admitted. I speak of it because of my interest in the health of my colleagues. I think even the Republicans on the other side of the Chamber ought to live longer than they are likely to survive under the conditions which prevail here.

I believe this editorial is so sensible that it should engage the serious thought of every Senator.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

(From the Washington Post, Tuesday, February 14, 1928)

#### CURING A COLD

Cornell University now discloses that it, too, has joined the popular search for a cause and cure of the common cold. For over a year the staff of its medical college has been treating a selected group of students to twice-a-week baths in the ultra-violet rays of a mercury vapor lamp. This group, it is said, shows a decrease of 50 per cent, as compared with an untreated group, in both the number and severity of colds.

The experiments were started to test a theory that, since people rarely suffer from colds in summer, sunlight has something to do with their immunity. The ultra-violet rays, like sunlight, change the bactericidal power of the blood, increasing its resistance to the germs that cause colds. They also, it has been found, improve the condition of the skin which protects the delicate tissues of the body from bacteria always seeking entrance. Thus the door is closed to persons who have been treated to the rays of the mercury vapor lamps, and if the bacteria do succeed in forcing an entrance, the blood itself is better equipped to destroy the intruders.

The physicians interested in the experiment say that the lesson to be learned therefrom is that people must take greater advantage of sunshine, nature's ultra-violet storehouse. Yet stranger things than this may follow if the theory is found to be sound. Possibly ultra-violet ray service stations may come to be part of civilization. Not every one can get as much sunlight as he needs, but if he could drop into such a service station for a few minutes twice a week, the need would not be so pressing.

#### INVESTIGATION OF PUBLIC-UTILITY CORPORATIONS

The Senate resumed the consideration of the resolution (S. Res. 83) authorizing an investigation of public-utility corporations.

The VICE PRESIDENT. The Senator from Georgia [Mr. GEORGE] is entitled to the floor.

Mr. WATSON. Mr. President, will the Senator yield to me for a moment?

Mr. GEORGE. Certainly.

Mr. WATSON. I should like to ask the Senator from Montana [Mr. WALSH] if he would object to a unanimous-consent agreement to vote upon the pending resolution at 5 o'clock to-day?

Mr. WALSH of Montana. I should not object.

Mr. WATSON. I asked the Senator from Idaho [Mr. BORAH] this morning if he would object, and he said he would not.

Mr. NORRIS. Mr. President, what is the proposition?

Mr. WATSON. To vote on the pending resolution at not later than 5 o'clock this afternoon.

Mr. NORRIS. It might be that under such an arrangement one Senator would take up all the time between now and 5 o'clock. I do not want to delay the vote; I am as anxious as anyone to get a vote; but with that kind of a blanket agreement some one might be deprived of an opportunity to speak on the resolution.

Mr. WATSON. We can perhaps limit the length of speeches, if the Senator desires, after the Senator from Georgia concludes.

Mr. WALSH of Montana. I rather think we shall be able to reach a vote this afternoon.

Mr. WATSON. The Senator from Utah [Mr. SMOOT] is insisting on proceeding with the consideration of the alien property bill unless we can reach some kind of agreement. I think if we could proceed for a while with the discussion of the resolution, and it should look like we might reach a vote, the Senator from Utah might be agreeable to permitting us to proceed with the discussion, and if we could do that I think it would be very pleasing to both sides.

Mr. WALSH of Montana. I would suggest that we go on until about 2 o'clock and then take up the matter.

Mr. REED of Pennsylvania. Mr. President, has any thought been given to a consideration of the calendar some day this week?

Mr. CURTIS. It is my intention to ask for an adjournment just as soon as the pending resolution is out of the way, so that we may have a morning hour, when the calendar can be taken up.

Mr. GEORGE. Mr. President, inasmuch as I have proposed an amendment to refer the investigation to the Federal Trade Commission, and inasmuch as the power of that commission to conduct the investigation is questioned, I desire to call the attention of the Senate briefly to the powers of the commission.

Section 5 of the Federal Trade Commission act declares:

That unfair methods of competition in commerce are hereby declared unlawful.

The same section empowers and directs the commission "to prevent persons, partnerships, or corporations, except banks, and common carriers subject to the acts to regulate commerce from using unfair methods of competition in commerce," and gives the commission full power to make inquiry and to conduct investigations into the acts of all corporations engaged in commerce.

I desire specifically to call the attention of the Senate to the power of the Federal Trade Commission to make economic investigations. It is provided in section 6 (a)—

That the commission shall have power—

(a) To gather and compile information concerning and to investigate from time to time the organization, business, conduct, practices, and management of any corporation engaged in commerce.

And the commission may require reports and answers to specific questions in the compilation of such information, the only corporations that are excepted being banks and common carriers, which are otherwise regulated.

I desire to call the attention of the Senate specifically to the power given the Federal Trade Commission under the Clayton Act, by which the commission is given jurisdiction over violations of sections 2, 3, 7, and 8 of that act, and is specifically granted power in certain cases to investigate holding corporations or the ownership by one company of the stock of another where the effect may be to substantially lessen competition between the companies and to restrain commerce or tend to create a monopoly.

I desire to call the attention of the Senate to the further power conferred upon the Federal Trade Commission to investigate so-called interlocking directorates in cases where one person shall at the same time be a director in any two or more corporations engaged in interstate or foreign commerce other than common carriers and banks or banking, which throughout the act, of course, are excepted from the jurisdiction of the Federal Trade Commission because they are otherwise regulated.

I desire to call the attention of the Senate to certain rulings of the Attorney General. It is alleged that by reason of a provision in the appropriation act for the fiscal year 1925, and under the appropriation act for the current fiscal year, the Federal Trade Commission has not the power upon the request of a single House of Congress to make the inquiry covered by the Walsh resolution. The provision of the appropriation act referred to reads as follows:

No part of this sum shall be expended for investigations requested by either House of Congress except those requested by a concurrent resolution of Congress; but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by any corporation.

I desire to call the attention of the Senate to the opinion of the Attorney General given to the Federal Trade Commission upon Resolution No. 163 of the Sixty-ninth Congress, and particularly to the opinion of the Attorney General upon Resolution No. 34 of the Sixty-ninth Congress, in which the Attorney General has ruled that the Federal Trade Commission has the power to make precisely the same kind of investigation called for by the pending resolution.

The only question, Mr. President, that has arisen grew out of the rider on the appropriation act which limited the power of the Federal Trade Commission to expend moneys appropriated to it to conduct an investigation ordered by the resolution of a single House of Congress unless that resolution required an investigation of some act declared to be or supposed to be under the condemnation of the antitrust acts.

Mr. President, I propose to take this case out of any possible controversy by announcing now that I shall offer at the end of the resolution substantially the following amendment:

The commission is hereby directed to inquire whether any of the practices hereinabove enumerated constitute unfair methods in commerce, tend to the restraint of trade and commerce and/or to create a monopoly, and/or constitute a violation of the Federal antitrust laws.

Mr. BARKLEY. Mr. President, will the Senator from Georgia yield to me?

Mr. GEORGE. I yield.

Mr. BARKLEY. Does the Senator contend that the authority which he read from the law a moment ago or the amendment which he intends to propose, if agreed to, would authorize the Federal Trade Commission to inquire into the activities of corporations in politics and elections?

Mr. GEORGE. Entirely so; and I wish to say to the Senator that I agreed with the Senator from Nebraska [Mr. NORRIS]

yesterday in his interpretation of the resolution which he offered in 1925 and which was adopted by the Senate on February 9 of that year. He meant to inaugurate an inquiry into the activities of utility corporations in order that it might be disclosed whether those utilities were engaging in efforts to control elections and particularly whether they were using money or other influences corruptly in order to control the regulatory bodies that have jurisdiction over the utilities themselves.

The Senator from Montana himself yesterday made very specific his own interpretation of what he conceived to be the proper direction that the committee would give that inquiry under that provision of the resolution. His interpretation is in to-day's Record.

Mr. BARKLEY. I have been somewhat disturbed, I will say to the Senator, about the question whether the jurisdiction of the Federal Trade Commission under the act which created it would empower it to enter into a field that might be regarded as wholly reprehensible but not necessarily a violation of the antitrust laws.

Mr. GEORGE. Suppose the antitrust law is alleged to be violated by a corporation which comes under State control; suppose it is true that the State commission itself is elected or its election is influenced by such corporation; and suppose that the corporation is by the commission thus elected permitted to have a free hand in carrying out its own policies, it seems to me to be too clear to admit of argument that we would have an instance where even the expenditure of money or the use of agencies of publicity to influence and control elections in that case would be directly related to the very activity that the Federal Trade Commission was created to investigate and to prevent.

Mr. GLASS. Mr. President, may I inquire of the Senator from Georgia whether the report of the Federal Trade Commission in obedience to the Norris resolution covered that aspect of the investigation?

Mr. GEORGE. I will say to the Senator that the report of the Federal Trade Commission in response to the Norris resolution did not cover it, because it was not required by the resolution itself; that is to say, it was not required of the Federal Trade Commission to report whether any such practices tended to restrain trade or commerce or tended to create a monopoly or constitute a violation of any of the Federal antitrust laws.

Mr. GLASS. I understood the Senator to say that he gave the same interpretation to the resolution as was given to it by the Senator from Nebraska—

Mr. GEORGE. I did; and I think it a fair one.

Mr. GLASS. That the resolution required that sort of an inquiry.

Mr. GEORGE. I think that was a fair interpretation of the resolution.

Mr. GLASS. But the Federal Trade Commission did not give that interpretation to it.

Mr. GEORGE. The Attorney General took a different view of it and excluded investigation under that particular clause of the resolution, not because power was wanting, but because the commission had no authority to use its funds in view of the rider that had been attached to the then applicable appropriation bill and to a prior appropriation bill.

Mr. President, combinations in restraint of trade and commerce may be created in various ways, but monopolies can exist in the United States in no utility subject to State power and regulations unless the State fails to exercise its power or unless the State power is misdirected or misused. In other words, it is most difficult to conceive of a monopoly or of restraint of trade and commerce by a utility company subject to State regulation if the State is exercising its regulatory power in a proper way. It follows that a monopoly can be brought about through the corrupt use of money in controlling the election of State officers charged with the duty of regulating the business in which the monopoly exists.

Mr. GLASS. Mr. President, if it will not interrupt the Senator, in pursuance of the inquiry that I made a while ago, let me say that I think it is well to have the Senate understand that the Federal Trade Commission did not have available funds, perhaps, to pursue the inquiry that was ordered by the Norris resolution, because its chairman, Mr. Humphrey, came before the Appropriations Committee and prevailed upon the committee not to appropriate sufficient funds; and the same Mr. Humphrey appeared before the Appropriations Committee of the Senate at this session and sought again to prevail upon the committee not to appropriate funds for an investigation by a single House of Congress.

Mr. GEORGE. But he was unsuccessful this year.

Mr. GLASS. He was unsuccessful this year, as he should have been in all the other years.

Mr. GEORGE. That leads me to say that I am not defending the Federal Trade Commission. I hold no brief for the commission or any member thereof. I must admit that many of their rulings and certain of their acts would seem to merit the condemnation that has been pronounced against them; but, so far as this matter is concerned, I am considering simply what the commission did, and I am calling attention to that for the reason that the inquiry and investigation thus far made by the commission in this matter is not partial but is rather critical of the utilities.

Mr. President, with the amendment which I shall offer in the event my first amendment prevails, no question can arise, as I think, touching the Federal Trade Commission's power to make the investigation required.

Mr. KING. Mr. President, will the Senator yield?

Mr. GEORGE. I am glad to yield.

Mr. KING. Does the Senator think that the amendment which he is about to tender or, at least, will tender before he concludes does not need the support of the House of Representatives, but would motivate the commission or require it to make the investigation though it were a resolution adopted by the Senate alone?

Mr. GEORGE. Exactly. I wish to say, Mr. President, that if the election of any officer—State or Federal—is undertaken, the resolution should direct the committee of the Senate or the Federal Trade Commission to pursue the investigation within proper limits. If it be the purpose to investigate the election of Senators, I suggest that the Senate now has a committee which has full power to investigate the elections of all Senators nominated in the primaries of 1926 and elected in the fall of 1926, and if it should be desirable to extend that committee's power to include other elections I apprehend that that could be done. But the proper inquiry here, Mr. President, is whether utilities subject to regulation by State bodies have controlled or corruptly influenced the election of State commissions, thereby securing commissions favorable to the utilities, and have as a result built up monopolies engaged in unfair practices, imposed unjust rates upon the public, and sold to the public worthless securities.

If we direct the Federal Trade Commission to make inquiry into all of these alleged practices and to report whether such practices tend to create monopoly or constitute violation of the Federal antitrust law, the investigation may as well be made by the Federal Trade Commission as by a committee selected from this body.

Mr. KING. Mr. President, will the Senator pardon an interruption?

Mr. GEORGE. I yield, Mr. President.

Mr. KING. It seems to me, as I view the situation, that the investigation of expenditures of money to corrupt elections, especially the election of Senators, ought to be conducted by a committee selected by the Senate or by one of its standing committees. I have understood that the paramount purpose of this resolution was not to investigate expenditures for the election of Senators, but for the purpose of determining whether the Sherman or Clayton Acts have been violated, or whether monopolies or monopolistic tendencies have been developed which have restrained trade, and particularly whether the power organizations have formed combinations in restraint of trade, or have by their conduct come under the denouncement of any of the laws to which the Senator refers.

I am not quite clear why we should combine an inquiry into campaign expenditures or the corrupt use of money in effectuating the election of Senators with an examination of whether this power organization is a trust and has violated the antitrust laws. Why may we not differentiate them, and if we feel that an investigation should be made to ascertain whether there have been corrupt elections, whether money has been improperly expended in the election of Senators, delegate that duty to the Senate committees? I confess, however, that I do not quite understand why we should commingle the activities of the body that shall be assigned to the investigation, whether it be a committee chosen by the House or by the Senate, or whether it be the Federal Trade Commission.

Mr. GEORGE. Mr. President, I am in thorough accord with the observations and views of the Senator from Utah. I simply did not desire to restrict this investigation. If the Senate wishes to join them, I offer no objection; my amendment proposes that the investigation be made by the Federal Trade Commission.

I think, of course, we ought not to investigate State elections; certainly State elections wholly unrelated to the choice of the regulatory commissions having jurisdiction over these utilities. My view is that we should not in this resolution undertake to

investigate the campaign expenditures for a President, or for a Vice President, or for a Senator. My view certainly is that we ought not to undertake to investigate the election of Members of the House of Representatives under a simple Senate resolution without inviting the House to concur in it or to disagree from it; but I am not going to raise objection. I am merely calling attention to it; and I am merely saying that every election in the United States, from that of constable in the remotest precinct in the farthest State from Washington to that of the President of the United States, may be investigated and will be investigated by the Federal Trade Commission under the resolution containing the amendment which I have now suggested; and that commission will, of course, be compelled to say whether money or influence used in those elections was intended to and did have any reasonable relationship to the regulation of rates and to the control of utilities in every part of the United States. Leave it as broad and as general as the encasing air, as it was, indeed, when the Senator from Montana introduced it. I have stated that the resolution should be properly restricted, but, so far as I am concerned, I am going to leave it just as the Senator himself desires to have his resolution stand.

Now, Mr. President, let us see what the Federal Trade Commission did in this case.

The Federal Trade Commission entered upon its investigation some time after the passage of the resolution; the Senator from Montana has been good enough to say about five months thereafter, and I presume he is correct in that statement. But the Federal Trade Commission pursued the investigation, and the result of its investigation is contained in two volumes—one already published and before the Senate; the other merely in proof-sheet form, and which the Senate has not had an opportunity to examine.

While the Senator from Nebraska originally called for an investigation of the General Electric Co. and those companies affiliated and connected with it, yet his resolution was in such form as to demand an inquiry into the whole electric business in the United States—that is, into all of those companies generating electric energy or power for commercial distribution or use. The Federal Trade Commission did, in fact, examine the whole industry. Their own report shows—and I have it here before me, and I shall be glad to furnish the page if Senators desire it—that they investigated 1,500 privately owned utility companies, 63 holding and investment companies, 440 municipal departments for the generation of electric energy, or, as they themselves show, they investigated the companies producing 96 per cent of the electric energy going into commercial uses in the United States. The companies not examined are small producers throughout the country. They did not investigate all of these producing companies as fully as certain of the larger companies. They went into a general investigation of the whole electric industry, however, and the chapters themselves—and I read only the large type—indicate the scope and character of the work actually performed by them.

I read from part 1 of the report:

Extent of General Electric control.  
General Electric interests in electric power companies.  
Comparative importance of General Electric power interest.  
Stockholders in common and interlocking directorates.  
Development of General Electric interests.  
The Electric Bond & Share Co.  
The American Gas & Electric Co.  
The American Power & Light Co. group.  
The Electric Power & Light Corporation group.  
The Lehigh Power Securities Corporation group.  
The National Power & Light group.  
The Southeastern Power & Light Co. group.  
The United Gas & Electric Corporation.  
The Northeastern Power Corporation and affiliates.  
Description of other power groups.

Power company groups not falling within these general groups, or in these holding companies or mergers, as they are called, are then investigated. Under this head they investigated—

The Stone & Webster group.  
The Byllesby group.  
The Hadenpyl-Hardy group.  
The Cities Service or Doherty group.  
The Barstow group.  
The White group.

And various other undesignated groups—that is, groups having no well-known designation.

The North American Co.  
The Insull group.

Extensive developments and large local operations are also investigated in volume 1 of this report.

The other volume, the second part of the report filed by the Federal Trade Commission, goes very much more exhaustively into the whole electric industry; and I wish to read to the Senate merely some of the black-letter types at the heads of the chapters in this portion of their report.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. GEORGE. I yield.

Mr. KING. Is there any contention that the field which was covered in these reports was not exhaustively covered? And if there were facts omitted, is it contended that further investigation would reveal matters not elicited in the examination thus far?

Mr. GEORGE. There is none, except that it is contended that the resolution under which this investigation was made did not call for certain things that are now demanded by this resolution, and that is in a measure correct; but it is a further examination into precisely the same thing that the commission examined in the first instance under the Norris resolution.

Mr. KING. And would tie onto it?

Mr. GEORGE. And would tie onto it.

Mr. GLASS. Mr. President, in pursuance of the inquiry made by the Senator from Utah, has the Senator from Georgia had time or has he taken the pains to examine critically, to analyze this report of the Federal Trade Commission, in order to convince himself that the examination was thorough, that all essential questions were asked, and that no essential question was omitted in the examination?

Mr. GEORGE. The report does not consist of questions and answers, but of findings. These reports contain more than 550 pages of the conclusions reached and of the facts developed, but they are not in the form of questions and answers.

Mr. GLASS. What I had in mind, I will say to the Senator, is that an investigation may be had by the Federal Trade Commission or any other commission which is reluctant, which is not designed by the investigators to develop all the facts; and the mere findings of a commission of that sort would not carry much weight with me.

Mr. GEORGE. I wish to say to the Senator that there is no evidence in this report that that course was pursued by the Federal Trade Commission. I said yesterday, and permit me to repeat, that the investigation is thorough; it is searching; it is critical at many, many points of the utilities and points out that the States have not full power to control these utility corporations in fixing rates on power passing in interstate commerce and in issuing and selling securities.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. GEORGE. I will be glad to yield.

Mr. WHEELER. The Senator said that the investigation was thorough. I am wondering how he could tell whether it was thorough or not unless he himself examined the evidence.

Mr. GEORGE. I said that I had not access to the questions and answers; but there is no charge that this examination, so far as it went, was not fairly made and that the results of the examinations are not beneficial to the Senate. The Senator from Montana himself has conceded so much, his position being that the investigation did not go as far as his resolution would go, and in all respects it did not, of course.

Mr. WHEELER. I understand that thoroughly; but the Senator makes the bald statement that the investigation was thorough. I submit that I do not see how he can state that the investigation was thorough unless he has in some way examined the evidence.

Mr. GEORGE. I have examined this report.

Mr. WHEELER. I know; but an examination of the report means nothing—

Mr. GEORGE. I have examined the report; I have examined it carefully. The report concerning all of the matters which the Federal Trade Commission did investigate is thorough, in my judgment. I do not undertake to say that all of their conclusions are correct. They may not be verified. They may not stand the test. But certainly the commission has gone into the question referred to it, it has widened the scope of its investigation as far as possible, and to the extent that it felt authorized to make the investigation has made an investigation, and no impartial man can say that its report is a partial or one-sided report. It bears all the evidences of being a reasonably thorough investigation of the field, as far as the commission investigated it.

Mr. WHEELER. I do not see how the Senator can say it was a thorough investigation. I can understand how he can say the report is thorough, but I can not see how he can say that the investigation was thorough when he does not know anything about the evidence.

Mr. GEORGE. I can say that an investigation is thorough as a result of an examination of the conclusions and results reached, and it is my judgment that this was a thorough examination as far as it went. It might have been pursued in various directions further, I grant, but so far as the investigation went, it was thorough, and I judge that by the conclusions the commission reached, by the facts it found, by the evidence it brought here.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. GEORGE. I yield to the Senator from New York.

Mr. COPELAND. The question raised by the junior Senator from Montana is one which I have heard discussed a good many times; that is, that if this investigation should be conducted by a Senate committee, there would be a record of the questions and answers. Is there any reason why the Federal Trade Commission, if it were to make such an examination as this, should not have such a record for the benefit of those who desired to study the conclusions of the commission and form a personal opinion regarding the reports?

Mr. GEORGE. None, Mr. President; but I do want to say this: That the only investigation that will ever be of any value to the Senate in framing legislation will be an investigation upon which the Senate can depend, and it will be a finding of fact worthy of acceptance upon the most rigid and critical examination of the facts. There can be but one reason for this inquiry into the utilities, and that is to lay the foundation for legislation if legislation is necessary. That is the full position of the Senator from Montana. I do not think it a wise policy for the Senate to embark upon the course of conducting investigations merely to find out whether legislation is necessary, but, at the most, the only reason for this investigation, or any other economic investigation, is to find the facts upon which the Senate and the House can determine whether legislation is necessary and, if necessary, what kind of legislation should be passed. Neither the Senate nor the country can safely rely upon any investigation that does not present facts, and present facts in such manner that we can base intelligent action upon the facts.

That is what the Federal Trade Commission attempted.

I said yesterday, and permit me to repeat, that if the conclusions reached by the Federal Trade Commission in the examination already made are upon examination found to be justified, found to be correct, the Senate is in possession of sufficient information to enable it to do all that it can do under the Constitution to enable it to regulate rates of electric energy or power passing in interstate commerce and to enable it to regulate the utilities and holding corporations to the extent that they engage in interstate commerce in the flotation of their securities across State lines. We find conclusions sufficient in this report itself to justify legislation if upon examination we find that the conclusions reached by the Federal Trade Commission are correct, because the commission takes the decided position in its report that the States have not the power, or at least that the States have not exercised the power, effectively to control these utility corporations. They do not dogmatically state that to be the case, but the whole tenor of the report is in that direction. They quote, even at great length, the articles of Professor Ripley; they quote from other authorities who undertake to point out the weakness in the regulation of utilities at present and indicate how the utilities may properly be controlled in the future.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. COPELAND. Yesterday there were very serious reflections made upon the bent of mind of certain commissioners. I suppose that any Member of the Senate who has the feeling that that is an untrustworthy tribunal might be dissatisfied with conclusions formulated by the commission upon the result of a star-chamber examination. That is the reason why I ask the Senator if there could not be included in his amendment the further proviso that the record should be made a public record, so that anyone who sought to review the evidence and to determine whether the conclusions reached were fair and just conclusions would have an opportunity to study the record to determine for himself whether the conclusions were wise or not.

That is the thought I have in mind; that is the chief criticism, if I may say so to the able Senator from Georgia, I have heard about his proposal, in contradistinction to that of the Senator from Montana, that in one case there is a star-chamber proceeding, without any record to enable one to determine for himself whether the conclusions are proper conclusions or not. So I have hoped that perhaps the Senator might broaden his amendment so as to guarantee to us that if there is a record made it shall be a record which each of us may study, if so disposed.

Mr. GEORGE. Mr. President, I have not given thought to that suggestion; but, so far as I am concerned, I would have no objection to providing that the Federal Trade Commission be required to file with its report the transcript of the evidence upon which its findings are based.

Mr. COPELAND. Mr. President, does not the Senator think that would be wise?

Mr. GEORGE. I have no objection to it. I have not given thought to it, but I have no objection to it.

Mr. GLASS. Mr. President, may I say to the Senator that that very thought is the controlling influence with some Senators. If an investigation is had by an adversary commission, with its preconceived notions about these things, if, as is held by some Senators, the evil genius of this entire report was a commissioner or commissioners who were averse to making a thorough investigation, of what account are the conclusions of a report of that sort to a Senator who thinks that way about it?

Mr. GEORGE. Mr. President, I think the value of the report is in the accuracy of the findings made by the commission.

Mr. GLASS. But how does the Senator know that the findings are accurate unless he has had an opportunity to examine the report of the whole inquiry?

Mr. GEORGE. He may more immediately inform himself if he has the report on which the findings are based, and I want to say this to the Senator, that this suggestion has not been made to me, but I am quite willing to accept it, or I am quite willing to offer an additional amendment that the Federal Trade Commission be required to report each 30 days after the passage of this resolution, and finally upon the completion of its work, and that it be required to file with its reports the transcript of the evidence upon which the reports are based.

Mr. GLASS. I think it very unfortunate if that shall not be done in substantiation, if it may be confirmed, of the report we already have.

Mr. GEORGE. I have not investigated to see whether there is any countervailing statute or law that applies to the Federal Trade Commission, but so far as I know it would be within the power of the Senate, and would be very proper for the Senate, to direct that the evidence upon which the reports themselves are based be transmitted to the Senate for use by the Senate.

Mr. COPELAND. Mr. President, if the Senator will permit, I think it would add tremendously to the strength of the Senator's position if his amendment were to include that item. There can be no doubt, if the Senator will permit me, that there are Senators here who feel as the Senator from Virginia has just expressed it, that there is an evil genius upon the commission. But if the reports provided for by the amendment of the Senator from Georgia shall include the stenographic report of the evidence, then I concede that any opposition which might develop to the Senator's position would be largely swept away.

Mr. GEORGE. Mr. President, I give notice that I shall offer an amendment, if my original amendment shall prevail, providing that the Federal Trade Commission be required to transmit to the Senate for the use of the Senate the transcript of the evidence upon which its findings already submitted to the Senate are based, and that along with its reports under the resolution it transmit to the Senate the transcript of the evidence upon which its reports and findings are based.

Mr. BLACK. Mr. President, will the Senator yield for a question?

Mr. GEORGE. Yes; I yield.

Mr. BLACK. As I understand it, the objection is made by certain Senators that the commission is hostile. That being true, of what benefit would it be to have the stenographic report of the questions asked by a commission hostile to the examination, and which was not open to the public, and where the people had no representative sympathetic with the investigation? If it is intended, in line with the suggestion of the Senator from New York, to have an investigation by this commission which will meet the expectations of those like the Senator from Virginia, who believe that the commission can not be trusted, why should the amendment not go further—although I will state that I am not in favor of the amendment at all—and provide that the hearings shall be open to the public, and that a special representative of the people who desires a thorough and fair investigation shall be employed to propound the inquiries?

Mr. GEORGE. Mr. President, so far as I am concerned, I am not interested in how the investigation is held if the questions and answers come here or even if the findings come here, because I propose to test the findings of any committee or commission as best I can. I would have no objection, I will say to the Senator, but I do not know what regulation or law may stand in the way of it, and so far as I am concerned I will

content myself with offering the amendment that I have already indicated.

Mr. SIMMONS. Mr. President, will the Senator yield?

Mr. GEORGE. I am glad to yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator referred a little while ago to the report made by the commission. Will the Senator please, for my information if for nobody else's, give me the date of that report?

Mr. GEORGE. Part I of the report of the Federal Trade Commission under the Norris resolution was submitted to the Senate on February 21, 1927.

Mr. SIMMONS. Since then there have been several other or additional reports.

Mr. GEORGE. There has been one other report, and that was submitted to the Senate January 13, 1928, and referred to the Committee on Printing. February 1, 1928, the committee ordered the report to be printed, and that report is yet in proof-sheet form.

Mr. SIMMONS. It is not yet available to Senators?

Mr. GEORGE. It is not yet available to Senators.

Mr. SIMMONS. I wish to ask the Senator another question. Has he read the two reports?

Mr. GEORGE. Yes; I have read the two reports.

Mr. SIMMONS. I wish now to ask the Senator if in reading those reports he discovered anything that indicated to his mind a bias on the part of the commission against the interests of the public in this question?

Mr. GEORGE. I did not. I discovered, as I think, severe criticism of certain of the utilities. I do not say that these companies did not deserve the criticism, and I do not indicate that the observations and findings made by the commission are not entirely justified. I do not mean that there is in the report any intemperate language, but I mean that the findings of the commission itself upon its survey of the industry may in some particulars be controverted by the utility companies. As I said, I have never defended the general policy of the Trade Commission and do not now defend it, but there is no indication in the report that the commission undertook to evade any inquiry or undertook to withhold or suppress any statement that related to the public interest. It seems to me to be a fair and reasonably exhaustive report. Indeed, I think it a most valuable report. It is the basis and foundation of any investigation that may be made of electric and gas utilities in the United States.

Mr. SIMMONS. In other words, the Senator means to tell us that he, as a trained lawyer, has read that report and that he does not discover any evidence of partiality on the part of the commission hostile to the interests of the public?

Mr. GEORGE. I do not. It is true that the commission finds generally that a monopoly did not exist, but it sets out all of the facts that constitute the basis of the conclusion reached by it. I have found no evidence, so far as I have been able to study the report, of any partiality against the interests of the public.

Mr. GLASS. Mr. President—

Mr. SIMMONS. Will the Senator from Virginia pardon me just a moment further?

Mr. GLASS. Very well.

Mr. GEORGE. I yield further to the Senator from North Carolina.

Mr. SIMMONS. The commission is composed of five members, is it not?

Mr. GEORGE. Five members—bipartisan.

Mr. SIMMONS. Three of one party and two of the other party?

Mr. GEORGE. The law reads that the commission shall not consist of more than three members of any one political party, as I recollect it.

Mr. SIMMONS. So that in any investigation at least some member of the commission might be reasonably supposed to have the public interest at heart.

Mr. GEORGE. I should think so, if the Senator pleases; and I know that the particular investigation here does not disclose a want of sympathy by the commission for the public welfare.

Mr. SIMMONS. I regret very much that I have not had the opportunity to read the report as thoroughly as the Senator has, but I understand from the Senator that one part of it is not yet available to the Senate.

Mr. GEORGE. Except in proof form.

Mr. GLASS. Mr. President—

Mr. GEORGE. Before I yield to the Senator from Virginia let me say that there may be in the report particular conclusions that might not meet with the approval or the judgment of many eminent and patriotic men. There may be in the re-

port particular conclusions that would be strongly controverted, and I apprehend will be strongly controverted by the interests which are supposed to be hostile to the public—that is, by the utilities.

But what I am saying is that, on the whole report, it does not to my mind disclose any bias against the public interest, whatever may be the general attitude of the Trade Commission or of any member thereof.

Now I am very glad to yield to the Senator from Virginia.

Mr. GLASS. It was not very important except that I have been endeavoring to appraise the real value of the report. Assuming that it was conducted by persons who did not want to discover the truth and who did not make ample and sufficient efforts to disclose the facts, is it conceivable that they would ever embody in the report anything to indicate that fact to a Senator or to any intelligent examiner of the report?

Mr. GEORGE. I do not suppose they would. If it be assumed that the five gentlemen—

Mr. GLASS. I asked the question because I really wanted to discover the value of the report.

Mr. GEORGE. I have tried to be as explicit upon the point as I can, and I will say to the Senator that whoever makes an investigation of the electric industry, whatever his character, whatever his capabilities, will have to cover the ground covered by the Federal Trade Commission in its report. He must cover the same ground, and he must cover the ground in substantially the same way, though he may not reach the same conclusion in every instance. That is the value of the report. The value of the report can not be questioned if it is subjected to faithful study. I regret that I have not myself had time to make a more thorough study of it. But the value of it can not be questioned. I do not think it has been questioned. I think the most that is said about it is that it was made by a hostile commission, and that it does not go far enough because the power of the commission was not invoked with respect to certain matters about which the Senate now desires information.

Mr. GLASS. Regardless of the reason why it may not have gone far enough, if as a matter of fact it did not go far enough, of what account is its report to the Senate?

Mr. GEORGE. It went as far as the Senate asked it to go, and it might have been well thought by any committee or any commission that it was not justified in transcending its authority. I think it is of real value to the Senate, particularly if the conclusions reached, which indicate the necessity of Federal control both of electric energy in interstate commerce and of some sort of additional control of the securities which are issued and sold in interstate commerce, are verified. That is to say, if its conclusions are correct I think the report is of especial value to the Senate.

The Senator from Montana [Mr. WALSH] contends that the original investigation did not cover the financing of the various public-utility corporations, did not cover as exhaustively as he now thinks desirable the holding companies and the pyramiding and the whole scheme of financing. I say very frankly that the commission did not go as far as it might have gone under the pending resolution. Of course, I have already said that the commission did not undertake to inquire into the use of money to influence public opinion on the question of public ownership of utilities or to control elections, because it was ruled by the Attorney General that they could not use their money for that purpose.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Georgia yield to the Senator from New York?

Mr. GEORGE. I yield.

Mr. COPELAND. May I ask the Senator if his resolution provides for gaining the information which was not brought out by the report as to financing and pyramiding and that sort of thing?

Mr. GEORGE. Entirely; because my proposed amendment to the resolution does not modify and does not qualify the scope of the resolution as introduced by the Senator from Montana.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. GEORGE. I yield.

Mr. BRUCE. May I ask the Senator just a question? He referred to an opinion of the Attorney General a moment ago as to the right of the electric-power corporations to use the corporate funds in counteracting the clamor for municipal and State and Government ownership. I have never seen that opinion. I did not know there was such an opinion in existence. Does the Attorney General suppose that such corporations have no right to expend any money, however reasonable

the sum may be, in exposing the fallacies and shortcomings and disasters of municipal and State and Government ownership?

Mr. GEORGE. Oh, no. The Attorney General did not go into the merits of that inquiry.

Mr. BRUCE. How far did he go, in the legal sense?

Mr. GEORGE. The Attorney General merely advised the Federal Trade Commission that in view of the rider attached to the appropriation bill the commission could not use the money to make the investigation.

Mr. BRUCE. Oh, that is a different thing entirely.

Mr. GEORGE. But it expressed no opinion on the merits at all.

Mr. President, I have no disposition to detain the Senate longer, as other Senators want to speak on the matter. I wish to emphasize, before I pass from the Federal Trade Commission, that I have no apologies for it, but its work is entitled to be judged by its actual value, and I undertake to say that no man will say that its work is not of value, that it is not instructive, or that it is not helpful to the Senate itself. I undertake to say that ultimately its findings before us will be subjected to criticism more by the utilities than by anyone, however extreme his views may be, representing the public interests in the controversy.

But the fact is that on February 9, 1925, we asked the commission to make the investigation. It made it, and in January, 1927, it filed a partial report. In January, 1928, it filed its completed report, containing more than 550 pages, and not even Senators have had an opportunity to read it. Now we are proposing an additional investigation of the same utilities, without having acquainted ourselves or familiarized ourselves with the investigation already made by the Federal Trade Commission.

Mr. WALSH of Montana. Mr. President—

Mr. GEORGE. I yield to the Senator.

Mr. WALSH of Montana. I want to recur to the statement just made that we directed the Federal Trade Commission to make a certain inquiry and that it has made that inquiry. The authority to make the inquiry which we directed them to make is found in Senate Resolution 329 of the Sixty-eighth Congress. If the Senator will permit me, I shall be glad to read it. It is as follows:

*Resolved further*, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate to what extent the said General Electric Co., or the stockholders or other security holders thereof, either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities, monopolize or control the production, generation, or transmission of electric energy or power, whether produced by steam, gas, or water power; and to report to the Senate the manner in which the said General Electric Co. has acquired and maintained such monopoly or exercises such control in restraint of trade or commerce and in violation of law.

The commission shall also ascertain and report what effort, if any, has been made by the said General Electric Co. or other corporations, companies, organizations, or associations, or anyone in its behalf, or in behalf of any trade organization of which it is a member, through the expenditure of money or through the control of the avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

That is what we asked the Federal Trade Commission to inquire into and that is all we asked the Federal Trade Commission to inquire into.

Mr. GEORGE. I understand that; but I have indicated the scope of the inquiry made and the reason why the Federal Trade Commission said that it was obliged to give it that broad scope.

Mr. WALSH of Montana. I rose simply to call attention to the statement of the Senator that we had directed the Federal Trade Commission to make this general inquiry and that it had done so.

Mr. GEORGE. Yes; but the inquiry was necessarily broad, and the report shows why it was broad. I have said, and the record bears me out, that they called for reports from companies producing 96 per cent of all the electric energy generated in the United States.

Mr. WALSH of Montana. There is no controversy about that at all.

Mr. GEORGE. Then why does the Senator wish to say and why does he wish to leave the impression that the commission pursued a very limited inquiry?

Mr. WALSH of Montana. I have not so stated. I said in my opening statement that in order to ascertain the facts it was necessary for them to inquire into the relations sustained between the General Electric Co. and the other companies.

Mr. GEORGE. I beg the Senator's pardon. I thought his purpose in reading the resolution was as I have stated.

Mr. BRUCE. Mr. President, will the Senator from Georgia yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. GEORGE. I shall be glad to yield to the Senator.

Mr. BRUCE. As the second report is not open to the inspection of the Senate, I should like to know what the conclusions of the commission were with reference to the extent that electric light and power companies had sought to influence public opinion in relation to State or Government ownership.

Mr. GEORGE. The commission did not examine into that question because of the ruling of the Attorney General that it could not so use its funds, but I will say on that point, though I have no disposition to go into it, that the last chapter—and it is an exhaustive chapter—in part 2 of the report bears upon the question of propaganda and the attempt to influence public opinion by the activities of the utility companies. The report itself concludes with it. It does not condemn it; but, though it had no authority to go into that field, it does point out explicitly in the concluding chapter that if activities in that direction undertaken by the utilities are to have any just weight with the public they must be conducted out in the open; that they must not be covered up under the names of writers and educators.

I do not think it can be successfully controverted that the Federal Trade Commission has ample power to continue the inquiry now sought under the pending resolution and to complete its inquiry with respect to everything enumerated in that resolution. That, I think, is true under the general powers which it possesses. The only question that could or might arise is as to its power to use the money appropriated to it to defray the expense of a portion of the investigation demanded. That, I think, is completely covered by the amendment which asks the commission to inquire whether any of these practices constitute violations of the Federal antitrust laws.

I desire to call the attention of the Senate again to the fact that 1,500 companies privately owned, 63 holding-investment companies, 440 municipal lighting departments reported to and were examined by the Federal Trade Commission under the Norris resolution. Those concerns produced in 1924, the year previous to the adoption of the Norris resolution, 96 per cent, measured in kilowatt-hours, of all of the commercial electrical energy produced in the United States.

I wish to call attention to the fact that not a single utility company has passed a dividend on its preferred stock or made default in the payment of any of its bonds or securities, so far as this record discloses. I dare say that no other great industry in the country can present a like record to the people of the United States.

But it is said, on the contrary, that they have paid the interest upon their bonds and securities and have paid dividends upon their preferred stock by an unreasonable exaction out of the public in the way of rates. Be it so, Mr. President, and, if it is so, then the utilities ought to be regulated; then the pertinent inquiry is what authority should regulate them? Nine per cent only of the power generated by all of the electric companies in the Union passes in interstate commerce; 91 per cent is absolutely intrastate. Who ought to regulate it? Of the 9 per cent that passes in interstate commerce nearly 2 per cent is a mere interchange of power; that is, one company over in Alabama, for instance, transmits a certain quantity of power over into Georgia and Georgia in return pays it back in kind, the companies having physical connections between their distributing systems. So only about 7 per cent of all the hydro-electric energy and of all the steam-produced electrical energy in the United States goes into interstate commerce. Are we going to turn over to a Federal agency the power to regulate a great industry in the United States merely because some 7 per cent of its product passes in interstate commerce?

Where are those who yet insist that the States have some rights? Where are those who do not know that when we give a Federal agency power to regulate electrical energy passing in interstate commerce that agency will do ultimately what the Interstate Commerce Commission has done in the case of railroad rates, namely, raise the rates within the States themselves?

The Senator from Montana said that not a single bondholder had been called before the committee to protest against the adoption of the pending resolution; that not a single user of electric current had been called to protest against the adoption of the resolution. I say that the Senator never called a single American housewife nor a single user of electricity, nor did he call a single bondholder of any of the utilities in the United States, gas or electric, to support his resolution; and yet this resolution is offered for and on behalf of the users of

electric current and of the holders of the bonds of the utility corporations.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. GEORGE. I yield.

Mr. WALSH of Montana. If the Senator were favoring this resolution, whom would he call to speak for the householders? The householders are not organized, while the utility interests are organized. We are supposed to represent the householders and consumers.

Mr. GEORGE. Oh, I understand that, Mr. President; but I am making the statement I have made preparatory to one that I am going to make.

Mr. WALSH of Montana. Let me ask the Senator again whom would he call to represent the householder?

Mr. GEORGE. Had I offered this resolution, I would have called before the committee users of electric current, of electric energy, who claim that the rates are exorbitant, and I would have submitted their testimony to the committee. I would also have called purchasers of utility bonds, worthless or depreciated bonds, if such are available.

Mr. WALSH of Montana. If the Senator will pardon me for just a moment, the bondholder is really not deeply concerned about this question. He has security based upon the actual physical assets of the property secured by mortgage. He is not the one who suffers at all; the one who suffers is the man who goes out and buys the common stock. Let me say that the bondholders, however, were, as a matter of fact, represented in opposition to the resolution.

Mr. GEORGE. Exactly. Now let me ask the Senator a question. He made his position very clear yesterday. Did he not say that the two purposes he had in mind or the two possible results to be obtained in the event legislation was found to be necessary at all were, first, a control over the rates for electric current, and second, a regulation of the issuance of bonds or stocks or other securities in interstate commerce?

Mr. WALSH of Montana. No; the Senator has not quoted me accurately, although the general idea is there.

Mr. GEORGE. I meant to quote the Senator accurately.

Mr. WALSH of Montana. I said that we were seeking to protect the holders of the junior securities of the utility companies and the consumers of electrical energy.

Mr. GEORGE. Exactly; and I am saying that the Senator did not call, nor is the evidence here in support of his resolution—

Mr. WALSH of Montana. The Senator is quite right about that, because the consumers are not organized, and they have no representative that could be called; and it is exactly the same way with the holders of the junior securities. They are scattered all over the country, and they are not organized. The great bond-dealing houses do not deal in their securities at all. They come and speak for the bondholders and holders of the preferred securities, the senior securities.

Mr. GEORGE. I was not criticizing the Senator for not calling them, but he was criticizing the opposition to his resolution for not calling them.

Mr. WALSH of Montana. No; no.

Mr. GEORGE. I understood the Senator to do so.

Mr. WALSH of Montana. I was pointing out, or trying to point out, that the only people who appeared to oppose the resolution were those who are interested in not having any investigation, namely, the representatives of the utilities companies and the representatives of the holders of the senior securities, and a gentleman representing the State commissions.

Mr. BRUCE. Mr. President, the Senator from Georgia overlooked the fact that there are a great many very large consumers and users of electrical energy, and that some of them might very well have been placed upon the stand in this hearing. Whether they were part of a general organization or not I apprehend is a matter of no importance.

Mr. WALSH of Montana. Mr. President, let me say that I conceived that that would be a question very much more appropriately presented to the committee when it is appointed than presented to the Interstate Commerce Committee on the question as to whether or not an investigation should be ordered. If the investigation proceeds in a general way, abundant material is at hand upon that particular subject.

Mr. BRUCE. But the Senator's point was that nobody was put on the stand representing the consumers because there was no organized association of consumers. I say that was immaterial. With due deference to the Senator, I say that that was no substantial reason, because, of course, there are many large users of electric power and energy who are interested in the question of rates and interested in all other questions that

appertain to the practical workings of electric-light companies; and the Senator could have put some of those individuals or some of those corporations on the stand.

Mr. WALSH of Montana. Can the Senator tell us about how some of them would be representative of the state of affairs throughout the country?

Mr. BRUCE. Why, certainly. If you got a certain number of users of electric light and power here from the different States of the Union, you could get them from all 48 States.

Mr. WALSH of Montana. Of course, I could have conducted this investigation before the Interstate Commerce Committee.

Mr. BRUCE. I should have been delighted to furnish the Senator from Montana with the names of half a dozen or a dozen or, perhaps, two dozen very large users of electric light and power in the State of Maryland alone.

Mr. GEORGE. Mr. President, I hope the Senator from Montana will understand that I was not so much criticizing him as I was trying to avoid what seemed to me to be an unjust criticism of those who oppose his resolution; but I do want to say that the Senator unquestionably could have called consumers; rates could have been gone into, at least to a certain extent, if he wished to; and I say that the Senator might well have called the utilities commissioners from all of the various States. The rates, however, are matters of public record.

Mr. WALSH of Montana. But does not the Senator recognize that that is the very question, or at least one of the most important questions, that this investigation is to go into if it is ordered?

Mr. GEORGE. Yes; I understand.

Mr. WALSH of Montana. Why should I go out and try all those questions before the Interstate Commerce Committee?

Mr. GEORGE. I understand that, Mr. President; but we are not going to investigate them for an idle purpose. Our investigation, if it is fruitful at all, must lead to some legislation; and the Senator indicated the scope of the legislation himself, provided any legislation was found to be necessary.

Mr. WALSH of Montana. Let me remark, Mr. President, that I said before the committee, and I am glad to repeat now, that I hope it will be demonstrated that no legislation upon the subject is necessary at all.

Mr. GEORGE. I understood the Senator to state that.

Mr. WALSH of Montana. I likewise want to repeat what I said there, that it is my judgment that many of the evils complained of, many of the abuses which undoubtedly inhere in this industry at the present time, will be corrected by the publicity that is given by these hearings.

Mr. GEORGE. I understand. I know what the Senator said; but I say that we are not engaging in idle work here. We are not engaging in the business of furnishing publicity and facts to the various States. I do not think it is my function merely to furnish them facts, and to draw to their attention certain conditions.

Mr. BROOKHART. Mr. President—

Mr. GEORGE. Pardon me just a minute; I wish to conclude. If the investigation is to bear any fruit, it must result in legislation. There can be but two forms of legislation. One is to control the rate to the user of electric energy and gas, because the resolution covers both; and I was proceeding to point out that only 9 per cent of electric energy passed in interstate commerce; that actually about 7 per cent only passed into the hands of the consumers; that is to say, that a fraction amounting to nearly 2 per cent was mere interchange of power.

Now I want to go further. A fraction of 1 per cent only of manufactured gas in the United States passes in interstate commerce. I will not vote for any investigation if the single proper purpose it may have is to bolster up a demand for legislation when there is no more need for legislation than is presented in support of this resolution. You propose to regulate all the gas industries of America, all of the gas manufacturers of America, when here in your own record is the indubitable proof that a mere fraction of 1 per cent of the manufactured gas produced in the United States passes in interstate commerce.

Mr. WALSH of Montana. Mr. President, will the Senator suffer an inquiry?

Mr. GEORGE. Yes; I will.

Mr. WALSH of Montana. Upon what statement from any source does the Senator make the statement that we propose to regulate every gas industry in the United States?

Mr. GEORGE. If this resolution results in legislation, it must result in, first, the regulation of rates upon electric energy and gas in interstate commerce; second, the regulation and control of the sale of securities. The moment the Congress of the United States regulates the flow of a fraction of 1 per cent of the gas across State lines, you place in the power of a

Federal agency in Washington the power to raise the cost to the consumer of more than 99 per cent of the gas which never passes a State line. That is why I say it. I say it because you did it with the Interstate Commerce Commission.

Mr. WALSH of Montana. Mr. President, let me inquire of the Senator, does he want to abolish the Interstate Commerce Commission?

Mr. GEORGE. Oh, I am not talking about that.

Mr. WALSH of Montana. What powers does the Senator want to take away from it?

Mr. GEORGE. If the Senator wants to lead me afield in that, I shall be glad to discuss it; but in the interest merely of time I will say that the Interstate Commerce Commission, of course, had to come into existence. It came into existence because nearly all of the business of the carriers was interstate, or at least because a great per cent of that business was interstate.

Mr. WALSH of Montana. Yes; but the Senator is complaining because we did something.

Mr. GEORGE. No; I am not complaining. I am saying that the inevitable result of your legislation is to give to a commission at Washington the power to raise the rates on the users of more than 99 per cent of all the manufactured gas produced in the United States; and why? Because in our great anxiety and desire to legislate and to create bureaus to reach out and control industry we are willing, though that part of the industry that we can legitimately control is less than 1 per cent, to give to an agency power over the 99 per cent which never passes into interstate commerce.

You had to have the Interstate Commerce Commission. You had to have it, and you did have it, when in the course of time so much of the business of the carriers was interstate, until Congress was obliged to intervene; but you do not have to have similar action here, and that is what I am talking about, because only 9 per cent of the electric energy produced in this country passes the line of a State. Less than 1 per cent of artificial gas ever goes across a State line; and when you come to the securities, it is stated in your own hearings, and contradicted by any evidence, that only 3 per cent of all of the corporate securities in the United States consist of the securities of the electric and gas companies, and only a negligible fraction of those securities ever passes a State line.

I am speaking here for the commissioners of my State, for the men who appeared before your committee, for the men who, you say, can not be trusted to regulate these utilities and these powers. I am speaking for them because they know they have been stripped of all their power to regulate the railroads within their States; and they know, as the commissioner from Wisconsin told the Interstate Commerce Committee, that they are about to be stripped of the power to control telephone rates within the States.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. GEORGE. Yes; I yield.

Mr. BLACK. I understand that the objection the Senator makes here is—and I want to be clear about it—that if this investigation is made, it will lead to legislation which the Senator opposes. If I am correct in that, I am just wondering what difference it would make, then, whether the investigation were made by a special Senate committee or by the Federal Trade Commission so far as the results attained are concerned. If there were a fair investigation by the Federal Trade Commission, would there not be just as much likelihood of legislation as though the matter had been investigated by a Senate committee?

Mr. GEORGE. I do not think so; and that brings me to the last thing that I want to say.

There is the widest difference between an investigation by a tribunal charged with the finding of facts in an orderly and systematic way and an investigation by any legislative committee. Those who appeared before the committee in opposition to the resolution know, however much we may reassure ourselves by saying that if the industries be sound the result of the investigation will be to help rather than to hurt them, the inevitable effect of a Senate investigation upon industry.

Mr. BORAH. Mr. President, I was not sure that I understood the Senator from Alabama, and therefore perhaps I did not correctly understand the Senator from Georgia. Do I understand the Senator from Georgia to conclude that legislation is not so likely to follow upon an investigation made by the Federal Trade Commission as upon one made by a Senate committee?

Mr. GEORGE. No; if the investigation went to the facts, I must assume, of course, that the facts would be the same in any event, and those facts would, of course, control us as to the type or kind of legislation, if any; that we would propose.

Mr. BORAH. Then the legislation would as likely follow in one instance as in the other?

Mr. GEORGE. As likely in one instance as in the other. But what I am calling attention to is that those men who appeared here, and especially the representatives of the States, were, in my judgment, within their rights in appearing. Their position is that they ought not to be interfered with through Federal legislation, because they are able to handle the situation, and that more will be lost by Federal interference, in virtually the infancy of the industry, so far as interstate business is concerned, than can be gained by the interposition of the Federal Government into this field at this time. I conceive that that was a legitimate reason and justification for their appearance here.

Mr. BORAH. Mr. President, I think most of us, perhaps all of us, will concede that the representatives of the State utilities commissions were within their rights, not only within their rights but were performing their duty in interfering here; but the question of whether or not there should be legislation, or whether or not the amount of control which we have over this industry will be sufficient to justify legislation, will be a matter to come up after the legislation shall be proposed, it seems to me.

Mr. GEORGE. Oh, yes; certainly; but the Senator probably did not hear all of the remarks of the Senator from Montana yesterday in presenting the case and in identifying those who appeared in opposition to his resolution. I grant that all the Senator from Idaho has said is entirely correct.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. WALSH of Montana. The remarks made by the Senator just before he was interrupted a moment ago prompt me to ask that the Senator recur to them. The Senator expressed the view that an investigation of this industry would be disastrous to it, as it had been to other industries subject to investigation.

Mr. GEORGE. No; not disastrous, Mr. President.

Mr. WALSH of Montana. Rather disadvantageous, at least. I remember that we investigated the Steel Trust at one time, but I do not remember that that seriously affected the development of the steel business. The House of Representatives investigated the Money Trust at one time, but I do not remember that the banking interests suffered very materially. It will be recalled that a very rigorous investigation of the insurance business was conducted in the State of New York some time ago by a committee headed by ex-Secretary Hughes. I do not remember that the insurance business suffered. But in each of those cases some abuses that had crept into the business were corrected.

Mr. GEORGE. Mr. President, I did not mean to say that certain investigations have not been profitable.

Mr. WALSH of Montana. No; but the Senator did say that they were destructive of various industries that had been investigated.

Mr. GEORGE. Mr. President, this is what I meant to say: That if the Federal Trade Commission, specially clothed with the power to make this investigation, particularly fitted to do this identical work, can not be trusted to do this work, then no man in this body is justified in voting a single penny of the people's money to support that tribunal. No man can justify his vote to continue it.

Mr. GLASS. Mr. President, if the Senator will permit, the thing that just now is puzzling me is why the Senator is willing to have any investigation at all, if legislation in pursuance of such an investigation is going to be as disastrous as he indicates he thinks it will be.

Mr. GEORGE. The Senator from Virginia has misunderstood me. I did not mean to say that legislation would be disastrous to the industry.

Mr. GLASS. Not to the industry; no. The Senator—and I concur in everything he says on that phase of the matter—has vehemently and with great reason inveighed against the concentration of power in Federal commissions here at Washington, and has in this case particularly opposed delegating to any Federal commission the power to regulate rates for electricity and for gas and power produced by these organizations. Will not legislation, which may ensue from the investigation which he proposes, have just as disastrous an effect in that regard as legislation which may ensue from an investigation by a Senate committee? Why, then, if that is so, does not the Senator oppose any investigation?

Mr. GEORGE. I did not say that.

Mr. GLASS. I am asking why the Senator did not say that.

Mr. GEORGE. Because I am about to say what I wish to say.

Mr. GLASS. Well—

Mr. GEORGE. It is entirely legitimate for an officer who holds and exercises a part of the sovereignty of his State to come before any committee of Congress and say to the committee, "In our judgment, the industry that you are now proposing to regulate federally should not be brought under Federal control." That is what the commissioners from the States who appeared here did say.

Mr. WALSH of Montana. If the Senator will suffer an interruption, those commissioners came before us and told us that we ought not to conduct the investigation, that they are doing the job, and doing it well.

Mr. GEORGE. Exactly.

Mr. WALSH of Montana. But Professor Ripley tells us that the inefficacy of the State commissions is indubitable, and the Federal Trade Commission tells us that they do not meet the situation. Why should we not inquire about which of them is correct about the matter? Why should we not find out what the truth about the matter is?

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. CARAWAY. I take it for granted that if legislation is not to follow, the real object of the investigation is to show that the proper way to regulate industry is by publicity.

Mr. GEORGE. Exactly.

Mr. CARAWAY. Whipping them backward and forward with propaganda?

Mr. GEORGE. Exactly.

Mr. CARAWAY. Abandon the Constitution; wipe off the statute books the laws, and say that from this time on we are going to set up a propaganda agency here in the Senate and regulate business by propaganda. That is the conclusion we must reach from the argument.

Mr. GEORGE. Exactly so.

Mr. GLASS. Then, Mr. President, again I say, if that be so, why have any investigation at all?

Mr. GEORGE. Mr. President, will the Senator from Virginia let me finish what I was going to say along that line?

Mr. GLASS. Certainly.

Mr. GEORGE. I called attention to the fact that less than a fraction of 1 per cent of manufactured gas passes over any State line, that less than about 7 per cent of electric energy actually passes State lines, and I called attention to the fact in that connection that the State commissions from the various States, through their representatives, came here and opposed any investigation, and they opposed it upon the ground that Federal regulation is not now demanded or required. They certainly submit facts which are pertinent here, and which we ought to take into consideration when we vote to have any investigation by either the Federal Trade Commission or by a committee of the Senate, as I concede very frankly.

I am not going so far myself as to say that no Federal legislation may be necessary; I am not going so far as to say that Federal legislation may be entirely unjustified; but I do think that it is pressing the matter too far to undertake the Federal regulation of business enterprises if a negligible percentage of their products only pass in interstate commerce. If the tendency now manifest in the electric industry continues, and more and more electric energy passes from State to State, then it may be necessary to have, and even the utilities themselves may demand, as the carriers would now be compelled to ask, Federal control. But the representatives of the States have brought to us facts that are well worthy of our consideration. At least they show that neither branch of the Congress of the United States should conduct an investigation into an industry, and before that is completed, go into another investigation through a different channel and through a different tribunal.

It seems that the industries named here may well say to the Senate, "You are not justified in investigating us at all, but you certainly are not justified in taking the investigation out of the tribunal where you yourself placed it, and putting it into the hands of a Senate committee for the purpose of furnishing head lines and propaganda to arouse public clamor for legislation by the Federal Government."

The utilities take the position that in view of all that has happened they do not resist an investigation so much, but they say, "Let it go on here in the same tribunal in which the investigation was begun."

Mr. WHEELER. Mr. President, did I understand the Senator to say that they were asking that the matter be sent to this tribunal; that they were willing that it should be so sent?

Mr. GEORGE. No; I did not say that.

Mr. WHEELER. Then I misunderstood the Senator.

Mr. GEORGE. I did say what is in the record—and the Senator is a member of the committee—notably, a statement by Mr. Owen D. Young, that they do not object to, in all the cir-

cumstances they favor, an investigation, but they do object to an investigation by a Senate committee. I think I am fairly interpreting it.

Mr. WHEELER. But let me say to the Senator that the position taken by most of the others who appeared was entirely different from that Mr. Owen Young took.

Mr. GEORGE. Perhaps so. I was quoting what I thought was a responsible voice.

Mr. WHEELER. Most of them took the position the Senator is taking on the floor here to-day with reference to the fact that no investigation should be had, because it would injure the industry; secondly, they took the position that we did not have any authority to go in and investigate the industry at all.

Mr. GEORGE. I am not taking that position, and I am not taking the position that the investigations fairly and properly made will hurt the industry.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. GEORGE. I yield.

Mr. CARAWAY. A moment ago the Senator from Idaho wanted to know if the same legislation would not follow the investigation whether it were made by a Senate committee or by the Federal Trade Commission, and the Senator from Virginia repeated that query. If that is true, and those who are sponsoring the resolution want Federal legislation, then why do they object.

Mr. GEORGE. There would be no reason.

Mr. CARAWAY. They say the same legislation will follow and the same results will follow. Why are they so anxious to set up a special committee to investigate?

Mr. GEORGE. There would be no reason if legislation really be the object of the inquiry.

Mr. GLASS. But, as a matter of fact, I did not say that.

Mr. GEORGE. I did not understand the Senator to say it.

Mr. CARAWAY. I presume I am mistaken. Because the Senator kept asking the question over and over again if the same legislation was to follow, and that had been the assertion, I took for granted he was advocating it.

Mr. GLASS. That was the contention of the Senator from Georgia. I am still perplexed to know, if the Senator from Georgia please, if the same measure and character of legislation may follow the investigation by the Federal Trade Commission as will or may follow an investigation by a Senate committee, disastrous in either event in its consequences, why he does not oppose any investigation at all. I am still perplexed to know why that is so.

Mr. CARAWAY. Mr. President, will the Senator permit me further?

Mr. GEORGE. Certainly.

Mr. CARAWAY. I think the Senator from Virginia recognizes the difference between the two investigations sought. The sponsors of the one by the Senate lay down its chief virtue to be one of publicity. They want to control the industries of the country by threatening them with unfavorable publicity. It may be that they are entitled to be so controlled. I do not know. It may be that publicity is a wise way to have government. I do not know. If it is, though, I am confident that we ought to abolish the Constitution and cease to sit as a Congress, because we are not presumed to be publicity agents. If publicity is what they want we had better hire a publicity agency. They are to be had at so much a day and come very much cheaper than the Congress.

In fact, while we are talking about publicity, the one that has given this resolution the most publicity, the one which has been, as far as I have been able to read the papers, the most insistent in its demand for a senatorial investigation, is headed by a man who has had an office here ever since I came to Congress. The first time I ever saw him was at the time he was devoting his energies to changing the constitution in my own State, and the Woman's Christian Temperance Union were opposing him because they said he was doing it in the interest of the saloon. That was the high ideal which inspired him to invade my State and try to change our constitution. He lost about 10 to 1. He has been running a publicity agency here in behalf of some of these enterprises and ideals.

I hate to say this, because it may be that the Senator from Maryland [Mr. Bruce] will be compelled to vote for the Senate resolution if I do.

But the Constitution undertook to guard against the unreasonable invasion of a man's private rights. It said that an unwarranted and unreasonable search and seizure was forbidden. We are told now that that is all wrong; that no man ought to have any privacy; that everything he does ought to be controlled by public propaganda. If that is the wisest way to govern the country, we ought to say so. Let us abandon the idea that we want regulation, and let us say, as is undoubtedly intended, that we want propaganda.

Mr. GEORGE. Mr. President, the theory has grown, and to a rather remarkable extent, that almost everything done by an individual, especially I may say by a corporation, should be made known, and that if the conduct of the individual is bad the neighbors ought to know it, and if it is good it not only will not hurt him but will help him. That is the philosophy which we are accentuating in our efforts here.

Mr. CARAWAY. And the very people who advocate it keep on the statute books a law which provides that they may sue for libel if anyone says anything about them.

Mr. GEORGE. I thank the Senator from Arkansas for his observations.

Mr. COPELAND. Mr. President, may I ask the Senator if there is anything in favor of the Federal Trade Commission making the investigation on the theory that they have already acquired a lot of knowledge and their research men have gone into the various items involved in the proposed investigation, and perhaps they are better prepared to continue the investigation than a Senate committee would be, which would have to begin de novo? Is there anything in that suggestion?

Mr. GEORGE. I should think so. I tried to emphasize that. Perhaps the Senator was out of the Chamber at the time. My conclusion was that if the particular investigation should not be carried on by the Federal Trade Commission, for any reason whatever, then it ought not to be intrusted with any investigation. Of course, the work which it has already done is indispensable to an inquiry even such as is suggested, because to begin the inquiry where the resolution proposes to take it up, without all that has preceded it in the investigation, would be not quite meaningless perhaps, but would be of little or at most of slight value to the Senate or the other House in an attempt to frame legislation.

Mr. GLASS rose.

Mr. GEORGE. Perhaps I have not answered specifically the Senator from Virginia or cleared up in his mind as specifically as I might have done my own position.

Mr. GLASS. I will say to the Senator that he has not done so, and I excuse my repeated interruptions of the Senator upon the ground that I do not contemplate making any address upon the subject.

Mr. GEORGE. I am glad to have the Senator interrupt.

Mr. GLASS. I want to know how I shall vote on the question. I frankly say that the Senator has not cleared up my perplexity, as indicated by my inquiry. Now I would like to ask the Senator if the scope of his proposed amendment is not quite as extensive as the proposal of the original resolution?

Mr. GEORGE. It covers exactly the same ground, I will say to the Senator.

Mr. GLASS. Then I am the more perplexed that the Senator is willing to advocate the amendment which he proposes. I quite agree with the Senator in everything he has said about Federal control. I am as utterly opposed to it as it is possible for any human being on earth to be. I quite agree with him in his very vigorous and conclusive defense of the public utilities commissions, or, rather, of the State agencies in appearing here to protest against Federal control.

But if Federal control is as inevitably to follow the resolution of the Senator from Georgia after an investigation by the Federal Trade Commission as it is the resolution of the Senator from Montana after an investigation by the Senate, I can not see why the Senator from Georgia does not oppose any investigation whatsoever. Is it merely because the investigation by the Senate committee will get some large degree of publicity and because the investigation by the Federal Trade Commission will get no publicity at all—because there is no human being in the Senate or outside the Senate who knew the contents of this report which has been presented here now of the Federal Trade Commission, and they will not know any more about the contents of any other report that the Federal Trade Commission may make. If it is a mere question of publicity, that is no justification on earth for an investigation at all.

Mr. GEORGE. I myself do not think so. I am going to be very frank with the Senator and say that in my judgment no investigation is necessary further than has been made.

Mr. GLASS. I do not agree with the Senator that no investigation at all is necessary, because I have no confidence in the world in the report that has been submitted.

Mr. GEORGE. If the Senator will allow me to finish my statement—

Mr. GLASS. Certainly I will.

Mr. GEORGE. I do not think that any investigation is necessary, nor is it really justified further than the investigation already made. That is my conclusion. But a demand has been made here for it. The resolution has been introduced. The matter has been brought before the Senate and the country. I think sufficient facts have been developed and I accept the

work thus far done by the Federal Trade Commission to justify me in suggesting that Federal interposition in two respects might well be made in the case of these utilities.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. GEORGE. I will yield, though I desire to conclude, if the Senator pleases.

Mr. WHEELER. Does not the Senator think that the honest thing for those who are really opposed to the investigation is just to vote against an investigation rather than attempt to send it to the Federal Trade Commission, knowing that under the law and under the rules of the Federal Trade Commission no investigation can be held?

Mr. GEORGE. Mr. President, I do not know that under the law no investigation can be held; but I do know that under the law an investigation can be held, and I do not, therefore, agree with the Senator's statement.

But I want to say to the Senator very frankly that I would rather have the investigation made by a dispassionate and impartial tribunal than made by the most capable Members of this body, not because of any lack of confidence in the Members of the Senate, but because we all know that we are here weighted down with duties of one kind and another, and I do not believe that a thorough, searching, exhaustive investigation by a Senate committee can be as unbiased, can be as complete, can furnish the facts upon which we would desire to stand, as might be furnished by an impartial tribunal with all of the machinery necessary to a full investigation.

I do not think there is justification for Federal regulation and, therefore, that an investigation by the Senate is not justified if the object of that investigation is to control the rates for the relatively small percentage of electric current passing in interstate commerce. I do not think that a Federal investigation is justified if the result of that investigation is to control the negligible proportion of only 3 per cent of the total of all securities in the United States passing in interstate commerce.

The men who appeared in opposition to a Senate investigation represented not merely the utilities companies but they represented the public service commissions in all of the States of this Union that now have such commissions. They also represented all the savings banks of this country, with their combined capital assets of more than \$9,000,000,000, some \$350,000,000 of which are invested in the securities of utility companies. They represented all of the life-insurance companies of this country, with their total capital assets of \$14,500,000,000, with approximately a billion dollars of their policyholders' money invested in the securities of utility companies. These men—and surely they have the right to appear here, because they represent interests scattered all over the Nation—said to us, "If you want an investigation, let it be conducted by the Federal Trade Commission or some other regularly established commission, but do not give to the investigation a political or partisan complexion." They gave reasons which appeal to all impartial minds outside of the Senate.

Mr. NORRIS. Mr. President, it is quite evident, I think, that an investigation of utility corporations is going to take place, either by a committee of the Senate, as provided for in the resolution of the Senator from Montana [Mr. WALSH] or by the Federal Trade Commission, if the amendment of the Senator from Georgia [Mr. GEORGE] shall prevail. I think it can be demonstrated very readily that if the investigation shall be attempted by the Federal Trade Commission the result will be in the most important particulars practically negligible.

I stated to the Senator from Georgia yesterday that I agreed with him that the decision of the Attorney General was erroneous, and yet I have always conceded that it was only a matter of opinion. It is sufficient to say that the Attorney General in passing upon that portion of the resolution adopted by the Senate which provided for the investigation by the Federal Trade Commission of the political activities of the General Electric Co. and its various subsidiaries held that that provision of the resolution was null and void so far as an investigation by the Federal Trade Commission was concerned.

That portion of the resolution was almost an exact copy of the similar portion of the resolution which has been offered by the Senator from Montana. I wish to read the two resolutions and then to read the opinion of the Attorney General, which, it seems to me, provides without a shadow of doubt that no investigation can take place by the Federal Trade Commission.

The resolution of which I was the author, which was adopted in the Sixty-eighth Congress, contained two provisions, as has already been stated. One directed the commission to investigate the activities of the General Electric Co., its stockholders, and security holders, to ascertain whether they constituted a monopoly in the electric-light business. The other portion of the resolution read as follows:

The commission shall also ascertain and report what effort, if any, has been made by the said General Electric Co. or other corporations, companies, organizations, or associations, or anyone in its behalf, or in behalf of any trade organization of which it is a member, through the expenditure of money or through the control of the avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

Now, let me read from the resolution offered by the Senator from Montana [Mr. WALSH], which is before us:

The committee is further empowered and directed to inquire and report whether, and to what extent, such corporations or any of the officers thereof or anyone in their behalf or in behalf of any organization of which any such corporation may be a member, through the expenditure of money or through the control of the avenues of publicity, have made any and what effort to influence or control public opinion on account of municipal or public ownership of the means by which power is developed and electrical energy is generated and distributed.

There is practically the same language as in the resolution introduced by me; at least, everyone must concede that the two contain the identical idea.

Now let us see what the Federal Trade Commission did. When they had that language presented to them in the resolution which was adopted by the Senate in the Sixty-eighth Congress they referred it to the Attorney General and asked his opinion about it. They referred at the same time several other proposals in the resolutions, but I am merely going to read that portion of the opinion of the Attorney General which applies to this particular subject. Senators will realize that it applies definitely to the resolution now before the Senate; there is no difference.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. KING. Is the Attorney General's opinion based upon substantive law?

Mr. NORRIS. I am going to take that question up, I will say to the Senator, and if he will permit me I shall read from the opinion. It will show of itself that he refers particularly to the organic law creating the commission. So all the talk about a rider on an appropriation bill is immaterial. He held that the commission did not have authority to conduct the investigation under the organic law which created it.

Mr. KING. How could the commission investigate to the extent it did if the organic act forbade it doing so?

Mr. NORRIS. I think, perhaps, the Senator was not present when I undertook to explain that there were two divisions of the resolution. I called attention to both of them, but I will do so again.

The first portion of the resolution called upon the commission to investigate and to ascertain the monopolistic tendencies of the General Electric Co. and its subsidiaries. The second called upon the commission to ascertain whether those companies had spent any money for propaganda purposes, for the purpose of controlling the avenues of publicity, and for the purpose of meeting the arguments for or against public or private ownership. The Attorney General held that they had a right to investigate as to the first subject of inquiry, but they had no right to investigate as to the second. Then I showed that the resolution now before the Senate is almost in identical words—and a portion of it is in exactly the same words—as the second division of my resolution under which the Attorney General held the commission had no authority to investigate. Now, I am going to read that portion of the opinion of the Attorney General which applies to the particular resolution now before the Senate.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from Montana.

Mr. WHEELER. I think that this is a very important subject, and I should like to suggest, if the Senator will yield to me for that purpose, the absence of a quorum.

Mr. NORRIS. I hope the Senator will not do so at this time, because few Senators who are not now present will be moved by what may be said, and they will not obtain the whole of the argument if they return in response to the suggestion of the absence of a quorum.

Mr. WHEELER. Very well.

Mr. NORRIS. I desire now to quote from the opinion of the Attorney General. The first portion of the resolution which the Attorney General is discussing contained still another proposition, namely, to investigate the Tobacco Trust. The other portion of the resolution was attached as an amendment to the resolution of the Senator from Kentucky providing for an investigation of the Tobacco Trust. The Attorney General is

speaking now of that portion of the resolution containing in itself two parts which I had tacked on as an amendment:

The recitals of the second part of the resolution allege a violation of the antitrust acts by a named corporation and its subsidiaries. For the most part the investigation directed is appropriate to develop truth or falsity of the charge. In carrying out this resolution regard should be had for the admonition already given, to the effect that the inquiry should be limited to facts and circumstances tending to show any unlawful restraint of interstate trade and commerce. Under the provisions of the antitrust acts only restraints upon the production of electric energy for transmission over State lines and upon the interstate transmission of electric energy, or the monopolization thereof, may be properly investigated under the resolution in question.

Now I come to the part of it holding the other part of the resolution to be void.

There is serious question, however—

Says the Attorney General—

as to the requirement that the Federal Trade Commission shall ascertain and report the efforts, if any, made by the corporations in question through the expenditure of money—

He uses almost the same language himself; part of the way he does quote the language—

or through the control of avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

The relationship of such facts, assuming their existence, to a charge of violation of the antitrust acts is not apparent. Indulging all presumptions in favor of the validity of the resolution under the organic act, I am still unable to find authority for such an inquiry. All other features of the investigation properly may be made.

Senators, that is the law to-day. Whether we believe it is right or wrong, that is the opinion of the Attorney General, never appealed from, no way to do it as far as this commission is concerned, and final; and under that opinion the Federal Trade Commission will never take a step in accordance with the language I have read you, contained in the Walsh resolution. In other words, it is a nullification of any investigation.

There is, therefore, but little difference between having no resolution and passing this resolution with the amendment to be offered by the Senator from Georgia; and, of course, that is what the Electric Light Trust want. They are riding very easily and safely.

Mr. HOWELL. Mr. President—

Mr. NORRIS. I yield to my colleague.

Mr. HOWELL. The statements being made by my colleague are so to the point, and of such importance, that I am going to ask my colleague to yield while I make the point of no quorum.

Mr. NORRIS. Oh, no; I have gotten through with that part of it now, and of course if the Senators who are absent come in they would not hear it, anyway, unless I repeated it. I hope the Senator will not do that.

Mr. President, so much for the technical legal phase involved before us to-day. I can not understand how any man can dispute the proposition. I can not understand how we can expect the Federal Trade Commission to take a single step to investigate the things that are called for in this language. Of course they will not investigate. I understand that the opinion of the Attorney General was written by a man who is now a member of the Federal Trade Commission. I am not charging dishonesty, Senators. I am not charging lack of ability. I am simply stating a legal proposition. I am not making any charge against the Federal Trade Commission. I am assuming that this man was conscientious when he rendered that opinion. He may have been right under the law. At least it is the law, unappealed from and final.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question there?

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. Do I understand it to be the law that the opinion of the Attorney General, in respect of a given statute, is finally determinative of the real meaning of the law?

Mr. NORRIS. Oh, no, Mr. President. I will make that plain.

Mr. SHORTRIDGE. That is what I want to have the Senator do.

Mr. NORRIS. In this case it is final because we have a Federal Trade Commission that want that kind of an opinion, and of course they will make no effort to violate it.

Mr. SHORTRIDGE. No; what I mean is this: They called upon the Attorney General for an opinion, as I understand.

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. He rendered a certain opinion.

Mr. NORRIS. Yes, sir.

Mr. SHORTRIDGE. Now, following my former question, under the law is the commission bound to proceed or not proceed according to the opinion of the Attorney General?

Mr. NORRIS. I do not think so.

Mr. SHORTRIDGE. As a matter of law, I am asking.

Mr. NORRIS. I am answering the Senator's question in that way. I think they could violate and go contrary to the Attorney General's opinion if they wanted to; but, having asked it, I suppose, of course, when they get it they will follow it, and that will be the proper course to take. I am not disputing that. That is what I would do if I were a member of the commission.

Mr. WALSH of Montana. Mr. President, if they did not follow the opinion of the Attorney General, has the Senator any doubt in the world that these public utilities would immediately institute proceedings to enjoin them from proceeding?

Mr. NORRIS. Not a bit.

Mr. WALSH of Montana. That is what they always do. I have a record here of half a dozen such proceedings on the part of corporations.

Mr. SHORTRIDGE. If they should in a proper proceeding seek to enjoin, then there would be a judicial determination.

Mr. WALSH of Montana. Yes; after the lapse of four or five years.

Mr. SHORTRIDGE. I am not asking this question in a contentious spirit. I want to know the position as a matter of law.

Mr. NORRIS. There is not any doubt about it.

Mr. McMASTER. Mr. President—

Mr. NORRIS. I yield.

Mr. McMASTER. If the Federal Trade Commission have an opinion from the Attorney General that they can not proceed with this investigation under the law, if they started to proceed, and their expense vouchers went before the Comptroller General, would not the Comptroller General be placed in a position not to allow those expenditures?

Mr. COPELAND. Mr. President—

Mr. NORRIS. He probably would.

I yield now to the Senator from New York. I hope the Senators will not interrupt me too much, because I want to finish. I do not want to take up too much of the time of the Senate.

Mr. COPELAND. May I say to the Senator that I have not interrupted him at all up to this point.

Mr. NORRIS. I have not said the Senator did. I have just yielded to him so that he can do it.

Mr. COPELAND. I thank the Senator.

Does the Senator believe that the Federal Trade Commission has no legal right to proceed in this matter?

Mr. NORRIS. No; I said yesterday that I do not agree with the Attorney General, but my opinion does not control. The Attorney General's opinion does.

Mr. COPELAND. The Federal Trade Commission could determine the matter for itself, could it not?

Mr. NORRIS. Exactly; but why should men in the Senate quibble over a matter of this kind? Here are the Federal Trade Commission. They said to the Attorney General, "Can we proceed? We ask your opinion." He said, "No; you can not"; and then they turn around and proceed, when everybody knows that the reason they asked him was because they did not want to proceed and were hunting a way to get out of it. That was under the influence of Mr. Humphrey, a member of that commission.

Mr. COPELAND. Mr. President, so far as I am concerned, I voted with the Senator from Nebraska against the confirmation of Mr. Humphrey.

Mr. NORRIS. Yes, sir.

Mr. COPELAND. I think I was one of a very small number to do that.

Mr. NORRIS. I remember that our number was small, but it made up in quality what it lacked in quantity.

Mr. COPELAND. Modesty prevents me from saying anything further on that subject; but, Mr. President, there are other men on this commission, are there not?

Mr. NORRIS. Oh, yes.

Mr. COPELAND. Are they not honorable men?

Mr. NORRIS. As far as I know, they are.

Mr. WALSH of Montana. Let me remark that Mr. Myers, who wrote this opinion, is on the commission now.

Mr. COPELAND. Is there any reason why the other three men on the commission are not honorable men?

Mr. NORRIS. No; there is not; but why should this commission, having asked for this opinion and having received it, now go back on it? Of course, if they do, regardless of what

the law may be determined to be in the end by the Supreme Court, it will have to go to the Supreme Court before it is determined, because an injunction proceeding would be commenced overnight if they started to proceed.

Mr. WALSH of Montana. If the Senator will permit me, I should like to state for the information of the Senator from New York that Mr. Humphrey is on the commission, and he acquiesced in this ruling before.

Mr. COPELAND. There are two Democrats on the commission. How do they stand?

Mr. WALSH of Montana. They are new men, who came on since this action was taken.

Mr. NORRIS. Mr. President, it seems to me it is a practical question. Either we want to have an investigation, or we do not. If we want to have an investigation, let us vote for the resolution that will bring it about. If we do not want an investigation, let us vote it down, or vote for the amendment which kills it. There is not any use in concealing the truth about it. It looks perfectly clear to me. I am not finding fault with the man who says, "We do not need to have any investigation; we do not want any." He has a right to do that. It is a question with two sides. I concede it. I would not question his honesty, or his wisdom, or anything of that kind; but we are either going to have an investigation or not; and, as I think I have now demonstrated, as a matter of law, if the so-called George amendment is agreed to, we will get no investigation. We might just as well face it.

Mr. President, Mr. Humphrey was a member of the Federal Trade Commission when this other resolution was passed, and he is a member now. He is, I understand, at the present time chairman of the Federal Trade Commission. Of course, everybody knows that Mr. Humphrey would be opposed to anything of this kind. I do not charge him with dishonesty. I do not charge him with lack of ability. He is one of the most courageous men I ever met. He is not afraid of a whole army. He expresses his sentiments and his beliefs and his opinions and his judgments without fear; but if you knew Mr. Humphrey as some of us who served with him for a great many years in the House of Representatives know him, you would know in advance that he never had any sympathy for anything outside of big business. He believes in it. It is his god. He is honest and conscientious about it. I presume he wants to turn the world over to big business, and let the poor people get some employment out of it, and get a few crumbs that they rake off from the marble top or the mahogany top table. He believes in that kind of business. He always has, as far as I know. He stands out boldly and advocates things which mean that. So, when this request went to the Attorney General, it went from a commission dominated by Mr. Humphrey, which did not want to investigate that matter, and they got the very opinion they wanted.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. COPELAND. There is no man on this floor—I have said it many times on the floor and in private—who is franker and in my judgment more anxious to state things exactly as they are than the Senator from Nebraska. Now I want to ask him this question:

If the resolution proposed by the Senator from Georgia outlining the desires of the Senate regarding this investigation is passed by the Senate, directing the Federal Trade Commission to make this examination under the terms outlined here, does the Senator from Nebraska believe that the commission will refuse to do it?

Mr. NORRIS. I certainly do. I do not see how they can take any other course. As far as the language of that part of the resolution I have read is concerned, they are precluded, under the law which controls them now, from doing it. They have the opinion from the highest legal officer in the United States that they have no authority to do it, and they refused before. They refused to make this same investigation under my resolution. That is a matter of history.

Mr. COPELAND. Mr. President, will the Senator yield for another question?

Mr. NORRIS. Yes.

Mr. COPELAND. Is there any reason why the Senate could not ask the present Attorney General whether or not the Federal Trade Commission is qualified to proceed under the terms of the George amendment?

Mr. NORRIS. I presume we could. We would be asking the same Attorney General who has already written an opinion to the effect that they have no authority to do it.

Mr. COPELAND. I think, if I understand the Senator, this opinion was written by Mr. Myers when he was Assistant Attorney General.

Mr. NORRIS. Yes; but it came from the Attorney General himself.

Mr. COPELAND. This particular Attorney General?

Mr. NORRIS. A request goes to the Attorney General, and not to an assistant.

Mr. COPELAND. Did it go to the present Attorney General?

Mr. NORRIS. I think so.

Mr. WALSH of Montana. Oh, yes.

Mr. COPELAND. Mr. Sargent?

Mr. NORRIS. Yes; the same man.

Mr. WALSH of Montana. His signature is to it.

Mr. NORRIS. Of course, nobody expects the Attorney General to write all his opinions, but he is responsible for them. I presume in a general way he knows what they are, and supervises them and agrees with the conclusions reached by his assistants.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. NORRIS. Yes.

Mr. KING. The Senator has commented upon the dominating influence exercised by Mr. Humphrey upon the Federal Trade Commission since some time ago. I agree with the Senator, and I recall upon a number of occasions having criticized Mr. Humphrey for the positions which he took. It seemed as though he had been placed there by the Executive—and I do not mean to criticize the President—to inaugurate a different policy from that which had been pursued, when Huston Thompson, and a former Senator from this body, and one other member of the commission, rendered some very valuable and searching opinions. But I want to challenge the Senator's attention to the fact that quite recently Mr. Hunt, a member of the commission, Judge McCulloch, a member of the commission, a former chief justice of Arkansas, and the new appointee from North Carolina, have voted constantly against Mr. Humphrey, so that Mr. Humphrey now stands practically alone. In his efforts, to which reference was made a short time ago, to modify the appropriation for the coming year so as to excise from the appropriation some of the duties and responsibilities imposed by law, he stood alone; he was not supported at all by his conferees. Mr. Van Fleet, as the Senator knows, has left the commission, so that now, with five commissioners, Mr. Humphrey stands alone. I make that observation, not by way of combating anything the Senator has said, but in order that the record, as I understand it, may be brought down to date.

Mr. NORRIS. Of course, that statement does not combat anything I have said. I have not charged anybody with doing anything that he thought was wrong. That is not necessary. It is enough to get the facts before the Senate. Whether the commission is better now than it used to be, I am unable to say. It may be. It may be that there are enough of them there to override Mr. Humphrey and override the Attorney General, and prevent an injunction from being issued, but I do not believe it.

If they were all saints, they could not stop a court from issuing an injunction; and that means that even though the case is ultimately decided in their favor, and the Attorney General reversed, they will do nothing until the Supreme Court finally passes on it, and by that time we shall have a different commission, the present members will all be dead from old age, and there will be a lot of new fellows there, who can open another case and start it on its weary way. So, for all practical purposes, even though we concede that the commission are going to go contrary to the advice they got from the Attorney General—we have no right to charge that, but for argument that is admitted—and that they will refuse to obey the mandate of the Attorney General, even though we admit all that, it is going to be five or six years before this investigation even commences.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. COPELAND. If I understand the Senator, his criticism of the present proposal of the Senator from Georgia is that the Attorney General has rendered an opinion which would make it impossible for the Federal Trade Commission to give us the report we desire. Am I right?

Mr. NORRIS. That is practically right.

Mr. COPELAND. I have in my hand this opinion, which was just handed me by the Senator from Montana, and he has marked the language in question, which is this:

There is serious question, however, as to the requirement that the Federal Trade Commission shall ascertain and report the efforts, if any, made by the corporations in question, through the expenditure of money or through the control of avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the

means by which power is developed and electric energy is generated and distributed.

The relationship of such facts, assuming their existence, to a charge of violation of the antitrust acts is not apparent. Indulging all presumptions in favor of the validity of the resolution under the organic act, I am still unable to find authority for such an inquiry. All other features of the investigation properly may be made.

Then the only thing involved, if that is all there is to it, is that the Attorney General said that it was not proper to inquire into whether this money had been used to influence public opinion regarding public ownership or otherwise.

Mr. NORRIS. To begin with, the Senator has not given us anything new. I have already read that identical language in the hearing of the Senator.

Mr. COPELAND. I beg the Senator's pardon.

Mr. NORRIS. That is the opinion of the Attorney General. Let me read the part of the resolution to which it applies:

The commission shall also ascertain and report what effort, if any, has been made by the said General Electric Co. or other corporations, companies, organizations, or associations, or anyone in its behalf, or in behalf of any trade organization of which it is a member, through the expenditure of money or through the control of the avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

That is all cut out; they can not do anything with it. Is there anything else in the Walsh resolution? What is there left of it when that is taken out?

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. SHIPSTEAD. The resolution states in the proviso proposed to be inserted on page 3:

*Provided, That the elections herein referred to shall be limited to the elections of President, Vice President, Members of the United States Senate and of the House of Representatives.*

That is, to investigate campaign contributions, as I understand it.

Mr. NORRIS. Yes; I should think so.

Mr. SHIPSTEAD. The Federal Trade Commission is appointed by the President and confirmed by the Senate.

Mr. NORRIS. Yes.

Mr. SHIPSTEAD. This is asking the creatures of the Senate and of the President to investigate campaign contributions that have been made, if any, to elect Presidents and Members of the Senate. Is not that a good deal like asking a bookkeeper to investigate his employer?

Mr. NORRIS. It has some elements of that similarity in it, I think.

Mr. SHIPSTEAD. I wanted to call that to the Senator's attention.

Mr. NORRIS. Mr. President, when I was interrupted, I was about to read from a speech of Mr. Humphrey made at the Atlantic meeting of the United States Chamber of Commerce on May 20, 1925, at Washington, D. C. He is speaking of these particular resolutions about which I have been talking, the resolution I referred to as mine, and there was another one introduced by the Senator from Minnesota, and one by the then Senator from Wisconsin, Mr. La Follette, asking for various kinds of investigations. He said, in referring to them:

It is perfectly useless to take time to explain the purpose of these resolutions. It is clearly apparent that the primal motive in all of them is political, to advance the personal fortunes of some person, party, or class.

Here is a subordinate official of the Government, directed in his official capacity to make certain investigations by certain resolutions passed by the Senate, denouncing them all as political, and says that "the primal motive in all of them is political, to advance the personal fortunes of some person, party, or class." That is the man who presides over the Federal Trade Commission, which it is desired shall make this investigation of the great Power Trust of the United States, the greatest institution of its kind in the civilized world.

Let us read a little more of what he said in that speech:

I do not charge or even intimate that the Senate or any Senator wishes the commission to do an unlawful act, but all who are familiar with the facts know that often such resolutions are passed out of mere courtesy, upon the request of a single Senator, that often they are passed to prevent the opposition of a single Senator to some other matter. They are often passed rather than listen to a prolonged discussion about them. We all know that frequently such resolutions do not represent the deliberate wish and judgment of the Senate.

Let me tell you something about the history of the particular resolution introduced by me and passed by the Senate. I intro-

duced that resolution, containing the language I have read, and instead of it being passed at the request of a Senator, it had the bitterest kind of opposition. There was arranged over on this side a full-blooded filibuster to prevent its passage, if such filibuster was necessary. I realized that it was going to be impossible to pass it without the filibuster, and the filibuster would kill it perhaps. I was unable to get it up in the Senate. Instead of it being passed simply at the request of a Senator, it never made a single step except against opposition of the bitterest kind, and it was only adopted finally because I was able, after a time of intensive watching and diligence, to find a parliamentary loophole by which I could compel the Senate to take a vote on it, and I knew that if I could get a vote it would pass.

It happened that Senator Ernst, of Kentucky, then a Member of this body, and a candidate for reelection, satisfactory to the management on this side of the Chamber, who wanted to help him wherever they could in his election, thought it would be beneficial to him in his campaign in Kentucky if he could get an investigation in regard to tobacco. So he introduced a resolution asking that the Federal Trade Commission be authorized to make such an investigation. I think that if it had been known that I was watching, and what I was going to try to do, he would never have been able to get that resolution up, but I sat in this Chamber for days and days with my eye on the Senator from Kentucky. He finally got his resolution up by unanimous consent; there was no objection to it; it was going right through; and then I offered my resolution as an amendment. It was in order, and when a roll call was taken the amendment was agreed to, and that is how my resolution got to the Federal Trade Commission.

So the chairman of that commission, when he says that these resolutions come up by unanimous consent, that they are passed merely at the request of some Senator, has another guess coming. He does not know what a hard row that little resolution had to travel, and when it finally got to the commission the very heart was taken out of it by Humphrey in referring it to the Attorney General. Now, we have the same situation confronting the Walsh resolution, and he proposes to send it to the same grave.

Mr. COPELAND. Mr. President, will the Senator yield now?

Mr. NORRIS. I yield.

Mr. COPELAND. There is a lot in this resolution presented by the Senator from Montana—

Mr. NORRIS. The Senator may discuss that after a while. I do not want to take up the time. The Senator from Montana will not agree with the statement. There is not much more in it, but if the Senator from New York thinks there is, for the argument's sake, I am going to admit it. I will simply say that all of that part of the resolution to which I have referred will be as dead as a doornail if we send it to the Federal Trade Commission. That is what I am asserting, and only that. If the Senator can get something else out of it, he is welcome to it, but he can not get anything out of it if the part I have read shall be stricken out. I want to see that investigation made, and through that we shall get a great deal of light, if the right kind of an investigation is made into the electric-light business.

That is the thing the trust is afraid of. If it were necessary, I could almost fill the Senate Chamber with documents to demonstrate the importance of the proposition. I want the investigation to take place. That is the crux of the investigation. There is more in it than in anything else. In my investigation I said, when the Attorney General's opinion came down, "I have no further interest in it. The real life and blood of it is taken out," and the man who, more than any other man on earth took it out, after the stand-pat element here in the Senate could not take it out, was the man Humphrey, now chairman of the Federal Trade Commission.

As I said a while ago, Mr. Humphrey makes no bones about his position on any question. I give him credit for being honest in his convictions and I give him credit for being as courageous as any man I know. I am not charging him with anything that is untrue, in my judgment. He believes in just what he says. He believes in big business. He believes in corporations. He would be glad to see the Electric-Light Trust reach out with its mighty fingers and take in every plant, small and great, in the United States and hold them in one hand, and he would let them run unregulated if he had his way. They could not charge so much as to displease him; he does not believe in that kind of government. The bigger the corporation the more holy it becomes.

So we have that kind of a man on the Federal Trade Commission. That is the kind of a man that Senators desire to head this investigation.

Mr. GLASS. And as a tribute to his audacity, not to say his effrontery, he appeared before the Senate Committee on Appropriations three weeks ago and endeavored to anticipate this very action by having a provision incorporated in the appropriation bill that no single House of Congress should require the Federal Trade Commission to make an investigation.

Mr. NORRIS. I thank the Senator from Virginia. Knowing Mr. Humphrey as I do, I am not surprised that he would do that. That is the most natural thing in the world for him to do. He did it conscientiously and honestly and knowingly.

Mr. COPELAND. Mr. President, will the Senator yield to me now?

Mr. NORRIS. Yes.

Mr. COPELAND. I dislike to take a single moment of the Senator's time, but he is always so fair and just that he will pardon me for calling his attention to what I think is a mixing on his part of Mr. Humphrey with the Walsh resolution. I share all his feelings about Mr. Humphrey. I voted with the Senator, as he knows, for his resolution and investigation and all that sort of thing. But the pending resolution has in it five things having to do with public utilities. Then almost as an afterthought it says that the committee is further empowered and directed to inquire into the matter of public ownership.

Mr. NORRIS. I said to the Senator when he interrupted me before that if he can get anything else out of the resolution he is perfectly welcome, but the part I have been talking about is out if the investigation goes to the Federal Trade Commission. The Senator can not deny that. Do we want anything else than that?

Mr. COPELAND. Is there anything else in it than that?

Mr. NORRIS. Yes; probably.

Mr. GLASS. The question is, Why not include that?

Mr. NORRIS. Why not, of course? Why should we take that out which we do by referring it to the Federal Trade Commission? That is not all. I am not going to stop to argue it, but I think I could make an argument which would satisfy at least myself that there are other things in the resolution to which the reasoning of the Attorney General applies. In other words, if his reasoning is right, then everything in the resolution which does not directly refer to the antitrust laws is illegal and void. I go on the theory that the Senator wants this particular provision in the resolution. If we do, let us not send it to the Federal Trade Commission because then it will be torn out.

But I was talking about Mr. Humphrey. Even if we admit that they have authority, and forget all about the Attorney General and everything that has happened in the past, let us consider the chairman of that commission and the influence which he must have and properly has in that commission. Are we going to submit to a man who holds his ideas the making of an investigation that will be very bitter to his heart under his belief?

After Mr. Humphrey was appointed to the Federal Trade Commission Mr. Paul Anderson, of the St. Louis Post-Dispatch, called on Mr. Humphrey and secured from him an interview which he published in the paper. It is an exceedingly interesting proposition covering nearly a page in the paper, in which he pays tribute to him, as I have tried to do to-day, as a man of courage and ability and fearlessness. But he quotes him in several of the things that he said and, without reading the entire article, I am going to quote just briefly some of the things that are included in it as coming from Mr. Humphrey. Mr. Anderson put this proposition to him:

Another of the changes made by the new majority was to expand the board of review from three members to five. KING—

That is the junior Senator from Utah [Mr. KING], and I wish he were here—

charged that this move was to enable Humphrey to control it.

That was true. The Senator did charge it and everybody else charged it, and nobody ever denied it. There used to be a board of review of three members. When Humphrey got control he had the board of review enlarged to five. He already had one of the old members, and the two new members made three, and gave him control of the board of review.

The writer called on Humphrey to obtain his reply to these accusations. He found a blunt, bulky, brisk, and bearded man who spoke with a candor that was almost breath-taking. Humphrey's resemblance to former Premier Poincaré, of France, is remarkable. He is like him physically, mentally, and politically. He is harsh, rasping, and pugnacious.

That is all true.

There is no doubting his courage. He is a hard man.

Here is what Humphrey said:

"I certainly did make a revolutionary change in the method and policies of the commission," he snapped. "If it was going east before, it is going west now. I would be ashamed to look a decent man in the face and to admit that I did not change the procedure."

Further on Mr. Anderson said:

He was asked if that was not exactly what the Federal Trade Commission act intended, that the commission should collect information for Congress and for the Department of Justice.

"I don't think so," was the terse answer.

He was reminded that Senator KING had charged him with "packing" the board of review in order to control its decisions.

"What of it?" he shot back. "Do you think I would have a body of men working here under me that did not share my ideas about these matters? Not on your life. I would not hesitate a minute to cut their heads off if they disagreed with me. What in hell do you think I am here for?"

Obviously—

Continued Mr. Anderson—

nobody could charge the burly commissioner with evasion or lack of frankness.

"Listen," he barked. "This is nothing but politics. KING and NORRIS and those fellows are simply hitting at Coolidge through me. They don't like me because they think I helped make Coolidge President."

"Did you?"

Mr. Anderson made that inquiry.

"I hope so. I tried hard enough," he answered grimly. "I like to believe I had something to do with it."

"Have you intimated in your speeches that Commissioners Thompson and Nugent were using the commission to spread bolshevist propaganda?"

"I don't deny it," he affirmed. "I am willing to stand by what I said."

That gives the Senate an idea of what Mr. Humphrey is, the man whom it is proposed to have investigate, the man who is going to sit in judgment and preside at this investigation that we are going to call upon the Federal Trade Commission to make. Why, Mr. President, if we lay aside everything else, it seems to me that particularly on this question we ought not to ask an investigation by a board of which a man like that is the head.

What is it that they are going to investigate? What is the so-called trust? What is this lobby that is down here spending thousands of dollars every day to defeat just such a thing, turning heaven and earth to prevent the passage of the resolution? Is not that a sufficient reason why it should pass? That ought at least to be another reason, if it is not a sufficient reason standing by itself. Everybody knows what wonderful methods have been used by great corporations and great monopolies to control elections. Mention was made yesterday of how the Electric Trust went into the election in California when California was having a vote upon an initiative proposition to conserve the waters of California and, incidentally, in their conservation, to utilize all the electricity that could be generated. There was one of the liveliest campaigns that had ever taken place. As was shown yesterday, the rank and file of the employees and representatives of the Electric Trust in California were started out to canvass the entire State.

Cities, towns, and villages were divided into districts and every man was given his particular street, his particular block, where he had to go, in the employ of this company, and make a house-to-house canvass, to see all his acquaintances, go to his lodges and clubs everywhere where he might meet his companions, and secure their votes, if he could, against the proposition.

After that was all over, as was said yesterday, there was a committee appointed, I think, by the State Senate of California to investigate the matter. I read most of the evidence. They did not get half way through it. They ran out of money before they got very far.

It was a most remarkable condition of things. There was a man by the name of McCarthy who was a recognized and avowed leader among laboring men. They bought him. They gave him \$10,000 and he was to handle and did handle, I suppose, to the extent of his ability, the laboring men. When the investigation disclosed what had happened they ran that man out of the State.

There was another man, Eustace Cullinan, who organized some kind of an organization. I have forgotten its name, but it had a very high-sounding name. The testimony showed in that investigation that he was the only man in the organization. He met in his own room, all alone, and organized and selected officers and everything. Of course, he was in the employ of the trust. That organization advertised in the newspapers of California, page advertisements of all kinds, and the

people supposed that it was a real organization. It had a beautiful name. They spent \$125,000 in the campaign through this one man alone, so his testimony showed, as I remember it. There never was an accounting made of a single penny.

Mr. President, that is the method that is being used, and who pays the bill? Who paid the bill in California? The men and the women who were being deceived. They were paying for their own deception. Every man or woman who read a newspaper by an electric light, every woman who washed her clothes by an electric washing machine, everyone who used electricity in any way paid his or her share of that boodle fund that contaminated California. California, however, is no exception; a proper investigation will show that the same kind of thing is going on everywhere. An investigation will also show that Mr. Insull, of Illinois, is not the only man who tries to buy and sell seats in the United States Senate. Spread all over the United States, in every community there will be some nucleus of this trust.

It is said by the utility interests, "Oh, publicity will ruin us." I think it will. I believe that a great deal of good will come from publicity. If these companies were honest, if they were not doing the things that are charged in the resolution, they would not be afraid of an investigation, but they would open their arms and say, "We are ready to be investigated." Instead of that, however, they spent enormous sums of money even to prevent this resolution from going through the Senate in its present shape. We saw two ex-United States Senators appearing before the committee. If they have their way, they are going to send the investigation to a commission that is presided over by another "lame duck," who, in language that I have read, condemns the Senate for doing business in a loose way, who tried his best to get into the Senate, but the people of his State declined to permit him to do so, and he was defeated.

Now, the question arises, What are we going to do about it? We can not at this time tell just what the magnitude of this question is. Those who have studied it and thought about it have begun to realize that it is the greatest question of the day, and that eventually, if the present stride is kept up, the electric monopoly will control everything in this country from ocean to ocean and from the Lakes to the Gulf. They are buying up now by the hundreds little plants away out in the country, and frequently paying three times what they are worth. The people are going to pay the bill in the end. It is the one great monopoly that uses unlimited funds, filched from the people themselves, to deceive and undo the very people who contribute in pennies the money that makes these corporations rich. That is the kind of thing we are dealing with here, and we can not give too much publicity to it.

Why should electric-light rates and the items that go to constitute them be secret? Why should the light that comes from the power in the rivers and the lakes, and from the bosom of the earth, in the shape of coal, be turned over to a few multimillionaires and the people be kept in ignorance of how they are being deceived with their own money and how they are being overcharged not for the luxuries but for the necessities of life? This trust will reach into every home; it will affect every person—man, woman, and child—at least who is living a modern life in a modern home. There is no escape. Should they not know whether they are being overcharged? Should they not know whether the power and utility companies are contaminating our legislatures and our courts and our commissions and our Senate?

We had a lesson in reference to this matter in the Insull case. Have we forgotten that? There was a man knocking at our doors who admitted that over \$125,000 was contributed to his campaign fund by these special interests. Now, are we afraid to let the light shine in and to let the truth be known to the American people? After all, they are the folk who bear the burden; they are the ones who pay the bill, and it is their property that flows down the mountain side in the shape of rivers, that is dug out of the earth in the shape of coal, that is being used to make this unseen current, this unseen comfort of modern existence and modern civilization that enters into every home. Why should we hesitate to let the owners of the property, who have to pay all the bills, know what the truth is?

Mr. HARRIS. Mr. President, I wish to state in the beginning that what I shall say is not intended as a criticism of Senators who may differ with me on this question.

For two reasons I very much regret to oppose this amendment referring the investigation to the Federal Trade Commission. First, it is offered by my friend and colleague, Senator GEORGE; and second, because of the fact that I was one of the five men appointed by President Wilson to serve on the Federal Trade Commission when it was first organized, and I was serv-

ing as chairman of the commission when I resigned to become a candidate for the Senate.

I am proud to have served with such able and splendid men as Joseph E. Davies, of Wisconsin; Edward N. Hurley, of Illinois; George Rublee, of New Hampshire; William Parry, of Washington; Governor Fort, of New Jersey; and William B. Colver, of Minnesota. The last three are no longer living. The more intimate my association was with them and with our general counsel, John Walsh, the more I recognize not only their ability but their unselfish devotion to public service.

The Federal Trade Commission was created by Congress despite bitter opposition. After the commission was created this opposition made every effort to cripple it by denying it appropriations, and some Senators to this good day are not reconciled. I recall that on two occasions the Senate Appropriations Committee declined to recommend the appropriation necessary for the expenses of the commission. I find to-day that the original supporters of the commission have not the same faith in it that they formerly had. On the other hand, the commission seems recently to have conducted its business in a way to please those who originally opposed it so bitterly. Except for this change in the policy of the commission, I would support the amendment of my colleague, Senator GEORGE, to refer the investigation to the commission.

Mr. President, Senators whose opposition was formerly so bitter are now voting unanimously to send the Walsh resolution to the commission.

I think the first few years of its existence the Federal Trade Commission served the purpose which those who created it hoped that it would, but a change of personnel reversed completely the policy of the commission and disappointed its friends to such an extent that they even thought of abolishing it.

Mr. President, I think the Power Trust is unnecessarily alarmed about the investigation that the resolution proposes shall be conducted by a Senate committee. What has it to fear from a fair investigation if it has conducted its business legitimately? I should think an investigation that would give the public the facts would be welcomed by these companies. Because Senator WALSH, by his investigation of the Teapot Dome matter was so relentless in his efforts to find the criminals in this the greatest Government scandal in many years, the Power Trust seems to be afraid this investigation, under his resolution will be a prosecution. Those of us who are associated with Senator WALSH know there is no fairer-minded or abler man in this body, and that he would not use his position to antagonize any legitimate business. Senator WALSH and those of us supporting his resolution are interested in getting all the facts to the public—the public on whom the power companies must depend to earn dividends for their companies.

The Walsh resolution originally provided for the naming of this committee by the Vice President, who is one of the leading bankers and business men of America and the world. The Power Trust even opposed this. No legitimate business should have any fear of a committee named by him. The resolution has been changed to leave the election of the committee to the Senate.

The public is deeply interested, because it is forced to pay for the electricity generated by the power companies. It is entitled to know whether the rates are fixed so as to pay dividends on watered stock or on actual money invested in their property. They are entitled to earnings on a fair valuation of their property. Many believe the power companies charge the public in Georgia and other sections too much. If not, they should welcome an investigation that would prove the contrary. I do not believe this would hurt any legitimate business interest, and certainly the consumers of power and electricity are entitled to this information. If the water-power companies have conducted their business legitimately, which I am assuming they have, why should they oppose this investigation which will make public their true condition? On the other hand, they should welcome it, let the public know the facts, and it should help the water-power companies.

While I was a member of the Federal Trade Commission an investigation was made at my suggestion of charges against the Standard Oil Co. of Indiana and other oil companies relative to an alleged discrimination in price in different sections. It was shown that the Standard Oil Cos. in Georgia and other States were charging for gasoline about 5 cents a gallon more than the Standard Oil Co. in Indiana and adjoining States. The reason for lowering the price in that section was to destroy competition from the independent companies by selling below cost of production in the Indiana territory so as to kill off this competition and making up this loss by advancing the prices in other sections. The commission placed

me in charge of this investigation. I recall that Mr. Stewart, president of the Standard Oil Co. of Indiana, opposed this investigation and severely criticized the commission. Some men of great wealth think their conduct is above the law. I am not surprised that this same Mr. Stewart is now declining to give the Senate committee information that would enable the Government to send criminals to the penitentiary. I am sure he would prefer an investigation by the Federal Trade Commission at this time rather than by the Senate committee. The commission's investigation of the Standard Oil Co. stopped this discrimination against Georgia and other sections where gasoline was sold about 5 cents higher. The people got a reduced price from the investigation, and it did not in any way tend to destroy the Standard Oil Cos. Neither will the Walsh investigation injure the legitimate water-power companies.

Mr. President, I think the power companies are making a mistake in opposing the Walsh resolution. I am friendly to and try to encourage the development of our section by the water-power companies. I assume that their business is conducted in a legitimate way; and if it is, they certainly have nothing to fear from an investigation. If their business is not legitimate, the people of the country are entitled to know if the prices they pay for power and electricity are in turn paying dividends on watered stock. The power companies, in my judgment, are not only making a mistake in opposing this but they have made a blunder in the lobby they have kept here for years to prevent the Muscle Shoals development as the law created it; that is, to furnish nitrates to make munitions in time of war and to furnish cheap fertilizers to the farmers in time of peace. The same water-power lobby that is here opposing the Walsh resolution and trying to refer it to the Federal Trade Commission is doing its best to keep Muscle Shoals from being developed to give the farmers cheaper fertilizers.

There can be no prosperity in my State, or in any other agricultural section, until the farmers are more prosperous, and there is nothing that would help them so much as the ability to get cheap fertilizers. We should help the farmers every way possible. The water-power companies and every other business would benefit by the farmers' prosperity. Only recently the fertilizer rates have been raised about \$8 a ton over last year. The reason fertilizers were sold so cheap last year was because of information farmers furnished me, which I gave the Department of Justice and asked for an investigation. It showed that representatives of the Fertilizer Trust had held a meeting at Baltimore and raised the price over the previous year. These men after an investigation were indicted in the United States court at Baltimore, pleaded guilty to having fixed fertilizer prices, and were fined \$98,000. Last year they sold fertilizer cheap, they were afraid they would be again indicted and sent to prison if they violated the law by an agreement to raise and fix prices. The investigation I requested the Department of Justice to make saved Georgia farmers alone millions of dollars.

While I differ with my colleague and other Senators on the disposition of Muscle Shoals, I mean no criticism of them. However, I do feel that the Fertilizer and Water Power Trusts, which have kept a lobby here for years to defeat this legislation, have done the farmers, themselves, and everyone in our section a great injury by delaying this legislation that would give our farmers cheaper fertilizers.

Mr. President, no Senator has taken more interest in the development of water power of his State than I have. Two years ago, because of the great importance of the rivers and harbors of my State, I gave up an important committee to go on the Commerce Committee having charge of legislation for rivers and harbors. Last year I amended the rivers and harbors bill when it was before the Commerce Committee so as to require the United States engineers to make a survey of all the Georgia rivers and tributaries to find potential water power and to study navigation and flood control. When this survey is completed any farmer or other person owning property along these rivers can ascertain from the Government survey more clearly the value of such lands for water power. Heretofore the owners of lands adjacent to the streams have sold their lands at farm-land values without any additional consideration for possible water power.

Mr. President, while I have discussed this matter largely from the standpoint of how it concerns the people of my State, I feel sure that similar conditions exist elsewhere in our country.

Mr. President, the officials and employees in charge of the Georgia Railway & Power Co., which is a part of the Water Power Trust in my State, are among our leading citizens and are my good friends. I have every reason to assist them and wish them success in the development of the power which the good Lord gave us in the many rivers and their tributaries that flow through our State. I have the kindest feelings toward

them. I would do nothing that would cripple their business or any other legitimate investments. On the other hand, Mr. President, every man, woman, and child in Georgia is taxed to pay for the power furnished by this company and is interested in this investigation, and it is my duty to protect them. The public has no powerful lobby to look after their interests, and it is my duty to protect them.

This company is buying franchises in most of our cities and towns and soon will have virtually a monopoly in my State. The rate charged by the water-power companies for electricity and allowed by the public-service commission will depend upon the amount of invested capital. An investigation under this resolution would reveal the actual money invested in these companies and would determine whether there is watered stock and help them in ascertaining a fair rate. I believe in the long run that this investigation will help the companies as well as protect the public.

On account of the advantages of the rivers in my State, we should get power much cheaper than in States not so fortunate. I want to build up our State. If we get cheap power, we will attract factories and other enterprises which will add to our prosperity. But if the people of Georgia are charged unjustly high rates by the water-power companies and are thereby to be taxed to pay dividends on watered stock, then the advantage given us by the power from our rivers will be of no avail and manufacturing plants will go to other States having cheaper water-power rates. We must encourage and help the water-power companies, but they should charge the public reasonable rates.

The electricity generated from these rivers should be used to furnish water and light to the people in every home in town and country. If cheap enough, electricity can be used in cooking and washing, even in dishwashing, to the great advantage and saving to housewives. But if power companies make the price of electricity pay dividends on watered stock instead of money invested in the companies, then people of moderate means will be denied these advantages to which they are entitled, and they will drive factories from our States to other States charging reasonable rates.

Mr. President, I am not unmindful of the great political influence that the Water Power Trust wields in my State. As I have stated, I have the kindest feelings for their officials and employees. I know that they can give me trouble in my next campaign if they wish. In the election of Frank Smith to the Senate from the State of Illinois, by the use of hundreds of thousands of dollars in a corrupt campaign, the Traction and Power Trusts in that section showed what they could do. They bought a Senatorship for this man Smith who had served their interests instead of serving the public. They defeated Senator McKinley, one of the most useful Senators I have served with—a man whose kindness made him kindly. I am proud to assert that the use of money can not buy an election in Georgia. I think that in declining to seat Frank Smith the Senate has rather discouraged the use of money for the purpose of buying elections. The Senate in excluding Smith from this body has served notice that no Senator whose seat was purchased will be allowed to serve. Money spent to buy such elections will not bring any dividends to those who make such investments.

Mr. President, from what I hear from Senators and others there has not been such propaganda and lobbying against any measure since I came to the Senate as there has been against the Walsh resolution. To defeat this resolution or to refer it to the Federal Trade Commission admittedly would be a great victory for the Water Power Trust.

The VICE PRESIDENT. The question is on agreeing to the first amendment reported by the Committee on Interstate Commerce.

Mr. ASHURST and Mr. WATSON suggested the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Shortridge
Barkley	Fess	McKellar	Simmons
Bayard	Frazier	McMaster	Smith
Bingham	George	McNary	Smoot
Black	Gerry	Mayfield	Steck
Blaine	Glass	Moses	Steiwer
Borah	Gooding	Neely	Stephens
Bratton	Gould	Norbeck	Swanson
Brookhart	Greene	Norris	Thomas
Broussard	Hale	Nye	Trammell
Bruce	Harris	Overman	Tyson
Capper	Harrison	Pittman	Wagner
Copeland	Hawes	Ransdell	Walsh, Mass.
Couzens	Hayden	Robinson, Ark.	Walsh, Mont.
Curtis	Heflin	Robinson, Ind.	Warren
Cutting	Howell	Sackett	Waterman
Deneen	Johnson	Schall	Watson
Dill	Keyes	Sheppard	Wheeler
Edwards	King	Shipstead	Wills

Mr. McKELLAR. I desire to announce that the Senator from Florida [Mr. FLETCHER], the Senator from Wyoming [Mr. KENDRICK], the Senator from Washington [Mr. JONES], the Senator from Nevada [Mr. ODDIE], and the Senator from Pennsylvania [Mr. REED] are engaged in the Committee on Appropriations.

The VICE PRESIDENT. Seventy-six Senators have answered to their names. A quorum is present. The question is on agreeing to the first committee amendment.

Mr. WATSON. Mr. President, I understand that the Senator from Wisconsin [Mr. BLAINE] desires to speak on this subject, and also the Senator from Nebraska [Mr. HOWELL]. I should like to know whether other Senators want to be heard on the question.

The reason why I ask is because several Senators are absent from the Chamber, and I agreed to notify them in time to be present to vote. If there is a possibility of getting a vote to-night I should like very much to know it, on their account. If there is no possibility of getting a vote to-night I should like to be informed, so as to notify the Senators who want to be here when the vote is taken.

Mr. BRUCE. Mr. President, I will say to the Senator from Indiana that I desire to say a few words explanatory of my vote on this resolution.

Mr. WATSON. I understand the Senator from Wisconsin says that he will occupy a half hour.

Mr. BLAINE. Yes.

Mr. WATSON. The Senator from Nebraska desires a half hour; and if the Senator from Maryland does not want to occupy over 15 minutes there is no reason why we could not have a vote at 5 o'clock.

Mr. WALSH of Montana. Mr. President, I am advised that the Senator from Washington [Mr. DILL], whom I do not see in the Chamber, desires to speak; and I was told also that the Senator from Massachusetts [Mr. WALSH] wishes to speak. If we can let the matter drift along, I think we shall get a vote within a reasonable time.

Mr. WATSON. Very well.

Mr. BLAINE. Mr. President, I shall endeavor to curtail my remarks within some reasonable limits.

At the outset let me say that it has come to me as a great surprise that the opposition to the proposal made by the Senator from Montana [Mr. WALSH] should be led by one of the distinguished Senators on the Democratic side of the aisle, especially in view of the fact that in the campaign of 1924 the Democratic candidate for President and those who were promoting his candidacy were on the other side of this question and took a position quite contrary to that of the distinguished Senator from Georgia [Mr. GEORGE].

I hold in my hand a campaign pamphlet entitled "How Reclamation is being Wrecked and Why," issued by the Democratic National Committee from Washington, D. C.

After reciting in some detail how reclamation had been wrecked by the former administration and by the then administration, how the water-power interests of this Nation were attempting to monopolize hydroelectric and thermoelectric power and power production, and after reciting in some detail the fight on Muscle Shoals and Boulder Dam, the Democratic Party of that day, with Mr. Davis as its leader, said:

Keep in mind that this is a test fight of national concern. It is imperative to the power combine to control regulatory commissions, eliminate competition, and suppress public development of power. It does not like the Democratic platform or statements like this from Gov. Charles W. Bryan, Democratic nominee for Vice President.

Then the pamphlet quotes Mr. Bryan.

If the water-power sites of the country were allowed to pass into the hands of great combinations of capital, the people would pass under a yoke of servitude more galling, if possible, than any foreign landlord system.

It—

Referring to the water-power combine—  
is alarmed—

So this Democratic campaign pamphlet says—  
over the campaign of Gov. Al Smith, of New York, for public development as well as strict regulation of existing private companies, with home rule for cities and the tremendous popular support back of these ideas in the State Democratic platform.

This pamphlet says, after reciting these things and other things:

This is the stage setting, the actors, and the gigantic issue at stake. In the electric industry are invested many billions of dollars, and a major underlying issue in this campaign is whether the people shall be further mulcted by this gigantic trust.

I appreciate that this proposed resolution has reference to the expenditure of money in order to control public opinion and public office, and that it does go in the direction of the possible investigation of campaign contributions by public-service interests. It is just as important to the users of the products of these utilities to know whether the money which they are paying in increased rates for gas, electricity, and power is going into the hands of political parties and candidates for political offices as it is for them to know whether it is going into actual service.

It is important to know why the public utilities of this Nation expended in 1927, \$28,000,000 for advertising, as asserted by the Manufacturers News in the October, 1927, issue.

I have here a report of the special committee on campaign expenditures for 1924, of which I understand the Senator from Idaho [Mr. BORAH] was chairman, and I find from a study of that report and that biographical textbook, Who's Who, and other public sources, that vast sums of money were contributed to the Democratic Party as well as to the Republican Party by the officers and agents of the public-service corporations. In the list of contributors there were 100 contributors representing utility interests who subscribed to the Republican campaign fund, and only 9 who subscribed to the Democratic campaign fund.

I assert that the public-utility interests of America are willing to buy city councils, State legislatures, public-utility commissions, Members of Congress, and, if necessary, to control the Government of the United States, they are willing to buy membership in the President's Cabinet.

I do not know how near to the door of any Senator the trail with respect to these matters may go. As far as I am concerned, I am quite willing that a committee of the Senate should investigate these public utilities, their financial manipulations, and the campaign contributions they have made to candidates for President, Vice President, or Members of the Senate.

I notice, as all Members of this body have observed, that the most powerful lobby in the history of this Nation has been in the city of Washington for the last several weeks. Of what does that lobby consist? These public utilities, these water-power interests, and gas interests, are bipartisan. They are both Republican and Democratic, or attempt to be both. In the State of Illinois the same interests contributed to both candidates for the United States Senate. As shown by the investigation of Teapot Dome, Harry Sinclair contributed to the campaign funds of both parties.

It is the same in their selection of a lobby. On the one hand, they have a former Member of the Senate, a conservative Republican; on the other hand, they have a former Member of the Senate who was at one time a great Bryan progressive Democrat. They do not stop there. They go to men all over the United States who have held political offices, offices of importance, members of State public-utility commissions. They have gone to my State, and there appropriated a number of the former members of our railroad commission. They have attached to their lobby former governors, candidates for governors, former United States Senators, former members of State supreme courts; they have gone down the whole gamut of officialdom to seek out men who have political power, and have in the past shown some degree of political shrewdness.

The brief filed with the Interstate Commerce Committee was signed, I understand, by some 182 lawyers and law firms. Of that number 141 were attorneys who had been heretofore important public servants of their States from United States Senator down to that of delegate to a party convention.

Mr. WATSON. Mr. President—

The PRESIDING OFFICER (Mr. BRATTON in the chair). Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. BLAINE. I yield.

Mr. WATSON. Is it not a fact that one of the very strongest statements made in opposition to any investigation was the one made by Mr. Gettle, president of the Public Utilities Commission of the State of Wisconsin, appointed to that position by the Senator while he was Governor of Wisconsin?

Mr. BLAINE. Mr. President, I want to inform the distinguished Senator from Indiana that in the position now occupied by the chairman of the Wisconsin Railroad Commission during his present term of office, and at the time that he was appearing before the Interstate Commerce Committee, he was not an appointee of mine while I was governor.

Mr. WATSON. He made the statement in the hearings that he was.

Mr. BLAINE. The Senator did not observe what I said. He was originally appointed by me when I was governor, but his reappointment did not come from me.

Mr. WATSON. Who did appoint him?

Mr. BLAINE. The present governor.

Mr. WATSON. When the Senator, while governor, appointed him, he was entirely satisfactory, was he?

Mr. BLAINE. He was entirely satisfactory as I viewed him at that time. I do not know whether the Senator has ever been governor of his State, but I have had some experience along that line. When a governor makes appointments he does not give a bond to guarantee that the appointees will continue to serve as they ought to serve, and as he thought they would serve when appointed. They sometimes go wrong.

I am not saying that the chairman of the Railroad Commission of Wisconsin went wrong. He is not here to defend himself. I am not condemning him in this respect. I am answering the Senator's questions, and when he is satisfied, then I want to read from the hearings exactly what Mr. Gettle, of the Wisconsin Railroad Commission, said. I think the Senator from Indiana has misquoted him, and I think in all fairness to Mr. Gettle there should be read from the report what he did say.

Mr. WATSON. I speak only from recollection, and my recollection was that he was opposed to any investigation.

Mr. BLAINE. No.

Mr. WATSON. My further recollection is that he was not in favor of an investigation by a committee of the Senate. Is there anything wrong with either the integrity or the ability of the chairman of the Public Utilities Commission of Wisconsin, or whatever you may call it?

Mr. BLAINE. Let me read what Mr. Gettle said, and then we may all have an answer to that question.

Mr. WATSON. Likewise he is the chairman of the public-utilities association of the country, is he not?

Mr. BLAINE. No; he is not chairman. I quote the following questions and answers from page 36 of the report of the proceedings before the Interstate Commerce Committee relating to the investigation of public utilities:

Senator SACKETT. Are your State commissions opposed to a Federal investigation of this matter?

Mr. GETTLE. Oh, they are not opposed to a Federal investigation of those things included in this resolution which involve interstate commerce and interstate transactions.

He says more than that. On page 41 of the same report there appears the following:

Senator WALSH of Montana. Are we to understand that you object to any inquiry as to whether any State commissions do function properly or not?

Mr. GETTLE. We object to it on the ground of jurisdiction. We think that Congress has no right or power constitutionally to investigate the functions of State commissions, and have so stated in our resolution.

Senator WALSH of Montana. And that is the only ground of objection that you have?

Mr. GETTLE. Yes, sir; that is the only ground.

Senator WALSH of Montana. Outside of that, you would not have any objection?

Mr. GETTLE. None whatever. We would welcome it.

I know why Mr. Gettle was brought to Washington before the committee by this lobby. He was brought down here to give character, if you please, to the opposition, because it has been, as every Senator knows, the reputation of Wisconsin to have had splendid utility laws. Our railroad commission, our industrial commission, and I could go over the entire list which have served the public interests of Wisconsin, are well known. Mr. Gettle, by reason of his prominence in the National Association of Public Utilities Commissioners, was dragged down here in order to give some stamp of character and reputation to the opposition to the resolution by this same lobby of one hundred and some-odd lawyers, among whom were two former distinguished Members of this body belonging to different political parties.

Who are some of these lawyers who filed the brief before the committee? Mr. William V. Hodges. Who is Hodges? He is treasurer of the Republican National Committee, and has been since 1924. He had hold of the purse strings of the Republican Party. He was the gentleman who received the contributions, and the party knew from whence some contributions might be had. It gives Mr. Hodges a peculiar and particular power in the Government of the United States, representing as he does the treasury of a large and successful political party.

A former Democratic Governor of Idaho is another. Then they have a former member of the Wisconsin Railroad Commission. I am not condemning these men. I am not imputing anything wrong to them nor to the chairman of our railroad commission. I am merely indicating that this powerful combination of public utilities has a grip on things and a way by

which it may control public opinion and possibly the opinion of legislatures and the Congress.

Then comes another distinguished gentleman, Robert Hale, a cousin of United States Senator HALE from Maine. So it goes all the way through, 141 former public officials who signed their names to a brief filed by the attorneys for the public-utility interests.

Mr. President, I think the Senator from Nebraska [Mr. NORRIS] and the Senator from Montana [Mr. WALSH] have pointed out clearly enough that the Federal Trade Commission has no power to carry out any of the wishes of the Senate as expressed in the proposed resolution; moreover, that the commission has no funds. The rider placed upon the appropriation limits the commission to the consideration, so far as Congress is concerned, of those questions relating to violations of antitrust laws, and I will not go into that matter further at this time.

But I do want to call to the attention of the Senate this report of the Federal Trade Commission. I took sufficient interest in it to have it bound, not because I had any great regard or respect for the report, but I thought it might be well to perpetuate in some permanent form the huge trick or, I would say, imposition that the Federal Trade Commission has exercised upon Congress. This volume [indicating] contains their report. In making their investigation they did not call a single witness. They did not swear a single witness. They did not cross-examine a single witness. They made no effort whatever to bring before the Federal Trade Commission a single person who might know something about the facts or information desired by the Senate.

What did the Federal Trade Commission do? It is very plain. This is not my testimony. I take my proof from the report itself. The report was made up from sources available to any Member of the Senate. The report is made up from sources which are available to every citizen of the United States, whether he is an official or a private citizen.

The information contained in their report is written in a number of other reports filed with this body or available to the public in libraries or in the departments here in the city of Washington. There is nothing original in the report. The recitation of facts as contained in the report is taken from what sources? The Federal Trade Commission says that the recitation of these facts is taken from the Bureau of the Census, the Geological Survey, the Bureau of Internal Revenue, information published in the Electric World, the Commercial and Financial Chronicle, and other financial periodicals, Poor's Cumulative Daily Digest, and investors' manuals consisting of Moody's, Poor's and Moody's, Poor's, John Moody's, McGraw's, and the Central Station Directory. The Cumulative Daily Digest is only an accumulation and compilation of news items and financial items. Those are the sources from which the report was made up.

Mr. WHEELER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. BLAINE. I yield.

Mr. WHEELER. I do not know that I understood the Senator correctly. Did I understand him to say that the Federal Trade Commission never swore a witness nor cross-examined a witness?

Mr. BLAINE. That is my understanding, and I am taking their statement as to the sources of their information from pages 4 and 5 of their report. I would be very glad to read it for the RECORD if it is thought necessary.

I said that the information contained in this report by the commission was available to every Member of the Senate and to every citizen of the United States in public documents and in our public libraries. I want to qualify that with this statement—except in one particular instance, and that is with respect to income-tax returns.

Those are not available to Members of Congress. They are not available to anyone except by some express order of the President. The veil of secrecy has been drawn over those income-tax returns.

But aside from that one single instance, every iota of information and recitation of facts set forth in the Federal Trade Commission's report under the Norris resolution is contained in public documents available to everyone. I say, Mr. President, that it is a gross imposition upon the Senate and upon the public even to suggest that this report is the product of the Federal Trade Commission, except that its clerks and its stenographers and a few men to whom the commission gives credit compiled this recital of facts. And they call that an investigation!

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. SHIPSTEAD. If the Senator's statement is correct, then the report is as valuable as a report of a bank examiner would be, provided he based his report on the statements of the banks appearing in the newspapers, and no more.

Mr. BLAINE. Yes. I do not want it understood that the commission did not send out requests to operating companies, holding companies, and municipal lighting departments. They did, and some of them answered. But those same organizations would have answered any inquiry from any Member of the Senate or the public, so far as that is concerned, because they were not being cross-examined. There was no searching inquiry as to whether or not those corporations and utility officers were telling the truth. They were reporting it as a Member of the Senate would report his biography to the Clerk of the Senate. What else did they do? They conferred and corresponded with the chief executive officer of the General Electric Co. and the Electric Share & Bond Co., also the principal independent holding companies, the large individual companies, and other service organizations and other associations, all of which might have been done by a Senator in his individual capacity or in his official capacity or by any citizen of the United States.

A great deal of statistical and other data were also secured from the files and the published reports of public service commissions in nearly all of the States, all of it available to Members of the Senate, available here right in the city of Washington. I dare say, Mr. President, that one clerk in my office since March 18, 1927, has presented for my own use a far more intelligent and voluminous report upon the public utilities of the United States than has been produced by the Federal Trade Commission.

After this imposition, can it be said that the Federal Trade Commission is the proper body to make an investigation? An investigation of what? To ascertain facts and information upon which this particular Senate or succeeding Senates may base legislation for the future of this industry. What does the question amount to? Is it important? I hold in my hand a letter from the Interstate Power Co. I think that organization belongs to the so-called Byllesby interests. Attached to it is an agreement between the Interstate Power Co. and a farmer in my own State. What are the rates that that farmer has to pay for light and power?

For the first 25 kilowatt-hours used per month, 28½ cents per kilowatt-hour.

That is the contract price. That contract is filed and is under the jurisdiction of the Wisconsin Railroad Commission, having jurisdiction with respect to rates and services of public utilities. I want that to go into the Record.

As I view the situation, boards, commissions, and public administrative bodies, having quasi-judicial and administrative powers, reflect the attitude, political and economic, of the President of the United States. As they think, so think these organizations. When such a commission is functioning under an administration directed by those who are seeking to serve the public interest first it will be found that it functions on behalf of the public. On the other hand, when the deadening hand of politics is laid upon every commission and every department of the Government it will be found that there can be no success for the Shipping Board, no success for the Inland Waterways Commission, no success for the Interstate Commerce Commission, no success for the Federal Trade Commission.

They are paralyzed or stimulated according to the political or economic views of the person who happens to be the chief of our Nation.

Mr. President, I think this matter is important. This is no trivial affair. It is important that the Congress should have the information sought. For just a moment let us look at the background of economic evolution in America. What has happened in the past through indifferent Congresses and administrations that yielded to the tremendous forces and powers that have controlled government in the past? Our public lands have been given away and vast areas of the public domain have been granted to railroads. What is the price we are paying to-day for the mistakes of the past? The American consumer is paying an increased freight rate to meet interest earnings on lands once owned by the public but donated to railroads.

What about our forests? They are almost gone or are rapidly disappearing. To-day there is on the calendar of this body a bill to authorize appropriations running into the millions to make restitution. This and future generations will pay the price because of the devastation of our forests through the mistakes of the past. Our coal fields are all in the hands of private monopoly, and what is the price we are paying for that? It is the price not only to the consumer alone in the cost of coal—and its cost is almost prohibitive—but a price far greater

than that. We are to-day paying the price of men and women and children driven by the mine owners from humble dwelling places owned by the coal operator into barracks built for them by charity that their lives may be protected during the remainder of the wintertime. We are paying the price of starvation for those children.

The other week the distinguished Senator from California [Mr. JOHNSON], with his oratorical ability to sway and convince, described the price we are paying, on the one hand, because of the exploitation of those vast coal fields which once were the heritage and in the possession of the people of the United States; and on the other hand, the distinguished Senator from Pennsylvania [Mr. REED] described the price that the operators claim to be paying—the price of bankruptcy.

Are we in this generation, in this Congress at this time, to repeat the mistakes of the past? If we do, future Members of the Congress of the United States with justification may and will condemn this Congress for its laches, its failure to protect the interests of the people of America.

Mr. President, involved in the question now before us is electric power produced by water and produced by coal. There is no human being who can paint in accurate colors the possibilities for the future if we preserve this heritage in the interest of the people instead of turning it over into the hands of monopolies and trusts. The water powers of America are only partially developed. They have a potential development of 54,000,000 horsepower, only a small fraction of which is developed to-day. Combining the possibilities of that power with power produced by thermal processes, by steam or oil as fuel, and considering the inventive genius of the American citizen, I can see the time not far distant, ah, within the lifetime of many Members of this body, when the energy produced by hydroelectric and thermal electric processes will be sufficient to light every home in America, be it city or rural; to drive every stationary implement upon our farms, to turn the wheels of industry, to speed our trains across the continent.

This is the age of electricity; and, as was so truly said by Engineer Cooper, who had so much to do with the engineering project of Muscle Shoals, a nation's strength, a nation's defense, depends upon her electric power.

I think the most important question before Congress at this time is this question of the preservation and conservation of these possibilities, to conserve this last and only natural resource that the American people possess—the hydroelectric energy of our flowing streams.

Mr. President, I know that the Members of this body will appreciate the full significance of the necessity of conserving these natural resources. To conserve them, it becomes necessary to legislate upon facts and information to be gathered by Congress and not by the Federal Trade Commission.

The seat to my right is vacant. It is the seat to which Frank Smith, of Illinois, would have been entitled had he not accepted contributions from those interests that wanted to buy a seat in the Senate. Frank Smith has been punished. Mr. President, I can not reconcile a vote to unseat Frank Smith with a vote to prevent a thorough, competent, and effective investigation of the subject matter of this resolution by the Senate.

Mr. NORBECK. Mr. President, I ask unanimous consent to have printed in the Record two telegrams I have received on the subject of the pending resolution.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

HURON, S. DAK., February 8, 1928.

Senator PETER NORBECK,  
Washington, D. C.:

We suggest the wisdom of support of amendment to Walsh resolution asking that the public-utility investigation be made by Federal Trade Commission.

SOUTH DAKOTA STATE CHAMBER OF COMMERCE.

BELLE FOURCHE, S. DAK., February 8, 1928.

Hon. PETER NORBECK,  
Washington, D. C.:

Will you use your influence to have investigation of public utilities heard by Federal Trade Commission instead of Senate?

COMMERCIAL CLUB OF BELLE FOURCHE.

#### EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

## RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 37 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, February 15, 1928, at 12 o'clock meridian.

## NOMINATIONS

*Executive nominations received by the Senate February 14 (legislative day of February 13), 1928*

## FOREIGN SERVICE

## VICE CONSUL OF CAREER AND SECRETARY IN THE DIPLOMATIC SERVICE

George H. Butler, of Illinois, now a Foreign Service officer, unclassified, and a vice consul of career, to be also a secretary in the diplomatic service of the United States of America.

## UNITED STATES COAST GUARD

Commander James F. Hottel to be a captain, to rank as such from November 27, 1927, in place of Capt. Francis S. Van Boskerck, deceased.

Lieut. Commander Michael J. Ryan to be commander, to rank as such from November 27, 1927, in place of Commander James F. Hottel, promoted.

Lieut. Commander James Pine to be a commander, to rank as such from December 1, 1927, in place of Commander Benjamin L. Brockway, retired.

Edward M. Kent to be a constructor, to take effect from date of oath.

(The above-named persons have passed the examinations required by law.)

## REGISTER OF LAND OFFICE

J. Lindley Green, of Alaska, to be register of the land office at Anchorage, Alaska, effective March 18, 1928. (Reappointment.)

## POSTMASTERS

## ARKANSAS

William H. Hogg to be postmaster at Stephens, Ark., in place of A. R. Cheatham, resigned.

## CALIFORNIA

Herma L. McBain to be postmaster at Hamilton City, Calif., in place of B. M. Staton, resigned.

Dwight E. Knapp to be postmaster at Garberville, Calif., in place of E. C. Thomas, deceased.

May C. Baker to be postmaster at Paradise, Calif., in place of M. C. Baker. Incumbent's commission expired January 9, 1928.

Anna L. Monroe to be postmaster at Ferndale, Calif., in place of A. L. Monroe. Incumbent's commission expired January 9, 1928.

## CONNECTICUT

William B. Simon to be postmaster at New Canaan, Conn., in place of W. B. Simon. Incumbent's commission expires February 15, 1928.

## FLORIDA

Thomas J. Bulford to be postmaster at Hilliard, Fla., in place of T. J. Bulford. Incumbent's commission expires February 15, 1928.

## ILLINOIS

Arthur P. Welborn to be postmaster at Woodlawn, Ill., in place of A. P. Welborn. Incumbent's commission expired January 7, 1928.

James G. Baker to be postmaster at Waltonville, Ill., in place of J. G. Baker. Incumbent's commission expired January 7, 1928.

## INDIANA

McKinley Elliott to be postmaster at Middlebury, Ind., in place of C. W. Elliott deceased.

## IOWA

Alvah S. Dukes to be postmaster at Unionville, Iowa. Office became presidential July 1, 1927.

Wilbur F. Busby to be postmaster at Creston, Iowa, in place of C. H. Thomas, deceased.

## KANSAS

Gilbert W. Budge to be postmaster at St. John, Kans., in place of Rella Maupin. Incumbent's commission expired December 18, 1927.

## MARYLAND

Webster Ravenscroft to be postmaster at Oakland, Md., in place of Webster Ravenscroft. Incumbent's commission expired January 7, 1928.

Charles R. Wilhelm to be postmaster at Monkton, Md., in place of C. R. Wilhelm. Incumbent's commission expired January 7, 1928.

## MASSACHUSETTS

Carroll L. Bessom to be postmaster at Mansfield, Mass., in place of C. L. Bessom. Incumbent's commission expires February 15, 1928.

J. Francis Megley to be postmaster at Holbrook, Mass., in place of J. F. Megley. Incumbent's commission expires February 15, 1928.

Thomas Carroll to be postmaster at Bridgewater, Mass., in place of Thomas Carroll. Incumbent's commission expires February 15, 1928.

## MINNESOTA

Ida V. Lund to be postmaster at Farwell, Minn. Office became presidential July 1, 1927.

Philip P. Palmer to be postmaster at Backus, Minn., in place of H. V. Albrecht, resigned.

George E. Anderson to be postmaster at Austin, Minn., in place of G. E. Anderson. Incumbent's commission expired January 8, 1928.

## MISSOURI

Charles Hawker to be postmaster at Wheeling, Mo., in place of Charles Hawker. Incumbent's commission expired January 14, 1928.

L. Tom Wilder to be postmaster at Sainte Genevieve, Mo., in place of L. T. Wilder. Incumbent's commission expires February 15, 1928.

Alexander T. Boothe to be postmaster at Pierce City, Mo., in place of A. T. Boothe. Incumbent's commission expires February 15, 1928.

William T. Robinson to be postmaster at La Plata, Mo., in place of W. T. Robinson. Incumbent's commission expires February 15, 1928.

Thomas W. Box to be postmaster at Lamar, Mo., in place of T. W. Box. Incumbent's commission expires February 15, 1928.

George L. Keener to be postmaster at Galt, Mo., in place of G. L. Keener. Incumbent's commission expired January 14, 1928.

## NEBRASKA

Edgar W. Meth to be postmaster at Arthur, Nebr., in place of E. W. Meth. Incumbent's commission expired December 19, 1927.

## NEW JERSEY

John G. Stoughton to be postmaster at Bergenfield, N. J., in place of J. G. Stoughton. Incumbent's commission expires February 15, 1928.

Elmira L. Phillips to be postmaster at Andover, N. J., in place of E. L. Phillips. Incumbent's commission expires February 15, 1928.

## NEW YORK

Estella Otis to be postmaster at Keene Valley, N. Y., in place of D. A. Sanders, resigned.

Ada J. Folsom to be postmaster at Winthrop, N. Y., in place of A. J. Folsom. Incumbent's commission expired January 8, 1928.

Henry L. Sherman to be postmaster at Glens Falls, N. Y., in place of H. L. Sherman. Incumbent's commission expires February 15, 1928.

Benjamin Wightman to be postmaster at Cherry Valley, N. Y., in place of Benjamin Wightman. Incumbent's commission expired January 8, 1928.

Mabel F. Reynolds to be postmaster at Alfred, N. Y., in place of M. F. Reynolds. Incumbent's commission expired January 8, 1928.

## NORTH CAROLINA

George E. Keatler to be postmaster at Concord, N. C., in place of W. B. Ward, resigned.

May C. Campbell to be postmaster at Norwood, N. C., in place of M. C. Campbell. Incumbent's commission expired March 3, 1927.

Abner W. Smith to be postmaster at Boone, N. C., in place of W. B. Farthing. Incumbent's commission expired December 19, 1927.

William H. Manning to be postmaster at Bethel, N. C., in place of W. H. Manning. Incumbent's commission expired December 19, 1927.

## NORTH DAKOTA

Gusta A. Hongslo to be postmaster at Galesburg, N. Dak., in place of Jacob Omdahl, removed.

James F. McQueen to be postmaster at Pembina, N. Dak., in place of J. F. McQueen. Incumbent's commission expired January 22, 1928.

Olaf A. Bjella to be postmaster at Epping, N. Dak., in place of O. A. Bjella. Incumbent's commission expired February 13, 1928.

Selmer Erfjord to be postmaster at Buxton, N. Dak., in place of Selmer Erfjord. Incumbent's commission expired January 22, 1928.

## OHIO

Edna M. Gilson to be postmaster at Steubenville, Ohio, in place of Richard Gilson, deceased.

Franklin Fasig to be postmaster at Arlington, Ohio, in place of H. S. McKean, removed.

Egbert H. Mack to be postmaster at Sandusky, Ohio, in place of E. H. Mack. Incumbent's commission expired December 19, 1927.

Charles A. Bower to be postmaster at Bowerston, Ohio, in place of C. A. Bower. Incumbent's commission expired December 19, 1927.

## OKLAHOMA

Fred A. Langham to be postmaster at Crowder, Okla., in place of F. W. Hunn, resigned.

James M. D. Clawdus to be postmaster at Wilson, Okla., in place of J. M. D. Clawdus. Incumbent's commission expires February 15, 1928.

John T. Williams to be postmaster at Perkins, Okla., in place of J. T. Williams. Incumbent's commission expired November 18, 1925.

## PENNSYLVANIA

George J. Miller to be postmaster at Pittston, Pa., in place of G. J. Miller. Incumbent's commission expires February 15, 1928.

Charles B. Bishop to be postmaster at Morton, Pa., in place of C. B. Bishop. Incumbent's commission expired January 8, 1928.

John N. Sharpsteen to be postmaster at Honesdale, Pa., in place of J. N. Sharpsteen. Incumbent's commission expires February 15, 1928.

Lemuel N. Ammon to be postmaster at Gap, Pa., in place of L. N. Ammon. Incumbent's commission expires February 15, 1928.

Daniel J. Turner to be postmaster at Clarksville, Pa., in place of D. J. Turner. Incumbent's commission expired December 4, 1926.

## TENNESSEE

Hilary R. Vaughn to be postmaster at Hendersonville, Tenn., in place of H. R. Vaughn. Incumbent's commission expired February 9, 1928.

## TEXAS

William H. Dodd to be postmaster at Langtry, Tex. Office became presidential July 1, 1927.

William R. Dotson to be postmaster at Jewett, Tex., in place of F. R. Harvison, removed.

John M. Cape to be postmaster at San Marcos, Tex., in place of J. M. Cape. Incumbent's commission expired December 19, 1927.

Charles A. Duff to be postmaster at Legion, Tex., in place of C. A. Duff. Incumbent's commission expires February 15, 1928.

Bradley Miller to be postmaster at Cooleedge, Tex., in place of Bradley Miller. Incumbent's commission expires February 15, 1928.

David A. Young to be postmaster at Commerce, Tex., in place of D. A. Young. Incumbent's commission expires February 15, 1928.

Gertrude N. Merrill to be postmaster at Buffalo, Tex., in place of G. N. Merrill. Incumbent's commission expires February 15, 1928.

Ethyl H. Williams to be postmaster at Angleton, Tex., in place of E. H. Williams. Incumbent's commission expires February 15, 1928.

## VERMONT

Truman E. Wheeler to be postmaster at Lyndonville, Vt., in place of C. L. Stuart, resigned.

## VIRGINIA

Max R. Kiser to be postmaster at McClure, Va., in place of F. P. Sutherland, removed.

## WASHINGTON

Francis H. Lester to be postmaster at Tieton, Wash. Office became presidential July 1, 1927.

Lovilla R. H. Bratt to be postmaster at Richmond Beach, Wash., in place of L. R. H. Bratt. Incumbent's commission expired January 7, 1928.

## WEST VIRGINIA

Claude Pepper to be postmaster at Salem, W. Va., in place of Claude Pepper. Incumbent's commission expires February 15, 1928.

Charlie F. Baldwin to be postmaster at Madison, W. Va., in place of C. F. Baldwin. Incumbent's commission expires February 15, 1928.

Everett B. Wray to be postmaster at Glen White, W. Va., in place of E. B. Wray. Incumbent's commission expired December 18, 1927.

## WISCONSIN

Walter C. Anderson to be postmaster at Rosholt, Wis., in place of J. C. Austin, removed.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate February 14 (legislative day of February 13), 1928*

## APPOINTMENTS, BY PROMOTION, IN THE ARMY

*To be major general*

George LeRoy Irwin.

*To be brigadier general*

Frank Crandall Bolles.

*To be colonel*

Benjamin Robert Wade.

*To be lieutenant colonels*

Lucien Barclay Moody.

Paul Delmont Bunker.

*To be majors*

John Andrew Weeks.

Robert Lincoln Christian.

John Jay McCollister.

Howard Charles Tobin.

*To be captains*

Warren Joseph Clear.

James Henry Howe.

Robert Artel Case.

John Russell Deane.

Richard Zeigler Crane.

Paul Carson Febiger.

Leslie Walter Jefferson.

*To be first lieutenants*

Wallace Evan Whitson.

Lloyd Shepard.

Rex Eugene Chandler.

Russel J. Minty.

Sheffield Edwards.

John Roper Burnett.

Michael Buckley, jr.

Benjamin Stern.

## DENTAL CORPS

*To be colonel*

George Harry Casaday.

## VETERINARY CORPS

*To be colonel*

William Proctor Hill.

*To be first lieutenant*

Ernest Eugene Hodgson.

## APPOINTMENTS, BY TRANSFER, IN THE ARMY

## FIELD ARTILLERY

First Lieut. William Jackson Morton, jr.

## AIR CORPS

*To be first lieutenant*

Patrick Weston Timberlake.

## POSTMASTERS

## FLORIDA

Ralph C. Allen, Auburndale.

Daisy D. Pollard, Country Club Estates.

John B. Jones, Oviedo.

George C. McLarty, Pahokee.

## ILLINOIS

Daisy A. Rome, Fisher.

Arthur T. Sams, McClure.

John P. Mathis, Vienna.

## INDIANA

Katherine M. Schwindler, Linden.

## KENTUCKY

Henry W. Bishop, Falmouth.

## NEBRASKA

Lafayette O. Roblee, Lewellen.

## NORTH CAROLINA

Paul E. Bruce, Mars Hill.  
Arthur H. Gibbs, Whittier.  
Mary F. Hight, Youngsville.

## WYOMING

C. Golden Welch, Cowley.

## WITHDRAWAL

*Executive nomination withdrawn from the Senate February 14  
(legislative day of February 13), 1928*

## POSTMASTER

## OREGON

Elizabeth C. Lewis to be postmaster at Tigard, in the State of Oregon.

## HOUSE OF REPRESENTATIVES

TUESDAY, February 14, 1928

The House met at 12 o'clock noon, and was called to order by Mr. TILSON as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We breathe our hearts' deep love to Thee, our Father, while sweet and tender memories steal over our souls. We thank Thee for health and for all the gifts Thy love imparts. So do Thou incline our hearts to seek the altar of prayer and thanksgiving. Just now let us hear Thy voice, catch its music, behold the day, and be glad. Soften our wills that we may sympathize with one another's failures. In every way lead us to magnify Thy name in human lives and homes. O Thou who dost ever sit at the fireside of the human heart; O Thou who hast never lifted a hand to smite, but is ever aloft in holy benediction, remind us that every self-surrender of man to his own higher self is met by the self-revelation of God. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 3926. An act for the relief of Joseph Jameson; and  
H. R. 6487. An act authorizing the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, La.

## LETTER FROM ADMIRAL PHILIP ANDREWS CONCERNING COLONEL LINDBERGH

Mr. DOUGLASS of Massachusetts rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Massachusetts rise?

Mr. DOUGLASS of Massachusetts. To ask unanimous consent that I may proceed for five minutes on an important matter.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. DOUGLASS of Massachusetts. Mr. Speaker and Members of the House, on Friday last my Democratic colleague from Oklahoma [Mr. McCLINTIC] made reference here to certain remarks attributed in the press to Rear Admiral Philip Andrews, commandant of the Boston Navy Yard, which is located in my district. Admiral Andrews in delivering an address in Boston referred to the historic New York to Paris flight of that great American, Colonel Lindbergh, and I feel that Mr. McCLINTIC's criticism of Admiral Andrews's remarks was the result of the latter being inaccurately reported as having stated that Colonel Lindbergh's success on his trans-Atlantic trip was but a matter of mere luck.

This morning I received from Admiral Andrews a letter upon the subject, which I would like to read into the RECORD that it may serve to correct the misunderstanding that has arisen in the matter.

The high character and splendid record of Admiral Andrews gives accepted credence to his explanation. I have known the admiral personally for some years, meeting him often in an official capacity at the navy yard situated in Charlestown, which so vitally concerns my constituency. Permit me to say that in the entire United States service I do not believe there is a more efficient, more honorable, or more liberal officer than Admiral Andrews. In my estimation he is far too broad-minded and possessed too well with the capacity to judge genuine values to belittle or minimize the magnificent and inspiring accomplishments of his fellow patriot, Colonel Lindbergh.

His great talents and remarkable energy are now being given enthusiastically to the work of raising funds for the preservation of the historic frigate, the *Constitution*, and it will be due in a great measure to his efforts in this matter that *Old Ironsides* will continue to be a patriotic inspiration to all Americans.

Admiral Andrews's letter is as follows:

DISTRICT STAFF HEADQUARTERS,  
FIRST NAVAL DISTRICT,  
Navy Yard, Boston, February 11, 1928.

DEAR MR. DOUGLASS: I was told of a few critical remarks made in the House of Representatives by Congressman McCLINTIC, of Oklahoma, in regard to what he saw in the papers on the talk which I gave to the Men's Club of the Park Street Church in Boston.

I suppose he must have realized that any few words in the paper on a talk which took a half an hour would not be complete enough to give much of an idea of what I really said. I don't know Mr. McCLINTIC, and while I made some responses to the inquiries of the press associations here, what they printed was very incomplete, too, though good as far as it went. I wish you would tell Mr. McCLINTIC that he happened this time to get a very incomplete account of what I said, and also that I am not one of those opposed to aviation, as he seems to think. Also, I am not in the least disposed to offer any criticism of Lindbergh, for whom I have a whole-hearted admiration.

I have, as you know, a son-in-law who has been a naval aviator for about six years—Lieut. C. C. Champion—who holds the altitude records for both landplanes and seaplanes. He is the remarkable person who fell 7 miles last July over the city of Washington and had the cylinder heads and pistons of his motor blow out, had four fires on the way down, and managed to put them out and land his plane without any other damage except the holes made in it by the flying missiles. I am rather proud of him and his accomplishments. I am more than proud of Lindbergh and think that he is without doubt the greatest aviator in the world. I believe, too, what nobody has ever said before, that Lindbergh is probably the one man who could repeat his performance of flying from New York to Paris. I believe he could do that successfully again.

What I was trying to point out to this very small assemblage of about 30 people—and I may say that I made a very rambling talk, without any notes or without any preparation—was that the weather was such a determining factor in the success of very long distance flights, and I was talking about the possibility of carrying freight and passengers across the Atlantic Ocean, and was stressing particularly the great influence the wind had, and I stated that I did not think a regular service across the Atlantic was possible in the present development of the airplane unless we got a new and much lighter fuel than we have at the present time.

There was nothing that I said that reflected on Lindbergh in any way, but I am sure that if Mr. McCLINTIC himself had heard all that I said that he would have entirely agreed with it. I mentioned the fact that Lindbergh with great judgment had picked out one of the two occasions when the weather during that summer was favorable for such a flight.

You know how efficient and what a high standing our Naval Reserve aviation station at Squantum has. That is, I think, partly due to my encouraging attitude toward aviation, which everybody about here thoroughly understands.

I also told the press people that I didn't get my opinions from Secretary Wilbur or anybody else in Washington, and that I had had no talk with anybody there on the subject of aviation. If I knew Mr. McCLINTIC, I would write him myself, but I feel sure that you can tell him that I am not an "anti" in the least. Also, I might say that Lindbergh has done more for international good will than any 40 diplomats that could be imagined, and also I have felt somewhat fearful, in his making so many trips around this country and over Central and South America, of something happening to him. And to have any accident befall him would be nothing short of a national calamity. So that's that.

With kind regards to you and your family,

Very sincerely yours,

PHILIP ANDREWS,  
Rear Admiral, United States Navy.

Hon. JOHN J. DOUGLASS,

House of Representatives, Washington, D. C.

[Applause.]

PERMISSION TO A COMMITTEE TO SIT DURING THE SESSIONS OF THE HOUSE

Mr. DYER rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Missouri rise?

Mr. DYER. To ask unanimous consent that the Committee on the Judiciary may sit during the sessions of the House to-morrow.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the Committee on the Judiciary may sit to-morrow during the sessions of the House. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that to-morrow, immediately after the reading of the Journal, I may speak for 15 minutes with reference to the bill S. 700, having to do with the Middle Rio Grande conservancy district.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that to-morrow, immediately after the reading of the Journal, he may address the House for 15 minutes on the subject indicated by him. Is there objection?

There was no objection.

CONSTRUCTION AT MILITARY POSTS

Mr. JAMES. Mr. Speaker, I call up the conference report on the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes.

The SPEAKER pro tempore. The gentleman from Michigan calls up the conference report on the bill H. R. 7009. The Clerk will read the conference report.

The conference report was read.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, and 6, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of "\$6,792,191" insert "\$6,695,691"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "and armament building, \$61,000; school building, \$40,000; gasoline and oil storage, \$16,900; paint, oil, and dope storage, \$5,000; night-flying lighting system, \$15,000; improvement of landing field \$81,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the language stricken out insert: "Scott Field, Ill., gas holder, \$49,500"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following: "; Fort Leavenworth, Kans., one hangar, \$40,000; field warehouse and shop, \$45,000; headquarters building, \$20,000; gasoline and oil storage, \$5,000; night-flying lighting system, \$10,000; Walter Reed General Hospital, in the District of Columbia, for the construction of a three-story ward building, for conversion of the fourth story of the present administration building of said hospital into an operating suite, including the construction of the necessary corridors, roads, walks, grading utilities, and appurtenances thereto, \$310,000; the United States Military Academy, West Point, N. Y., for the purpose of razing the old cadet mess hall, and of preparing the plans and specifications and of excavating the ground and otherwise preparing the site for the construction of a new cadet barracks at the United States Military Academy (the total cost of which is not to exceed \$825,000), \$185,000: *Provided*, That the Superintendent of the United States Military Academy, West Point, N. Y., with the approval of the Secretary of War, is authorized to employ architects to draw the necessary plans

and specifications from funds herein authorized, when appropriated; Fort Benjamin Harrison, barracks and motion-picture theater, \$400,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the language proposed by the Senate amendment insert the following:

"There is hereby authorized to be constructed from current funds in possession of the Secretary of War, 96 sets of bachelor officers' quarters at Schofield Barracks, Hawaii, \$108,000; an addition to ward building (hospital), Fort Sill, Okla., \$30,000."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the language proposed by the Senate amendment insert the following:

"The act entitled 'An act to authorize appropriations for construction at military posts, and for other purposes,' approved March 3, 1927, is hereby amended so as to strike out the authorization therein for \$500,000 for barracks at Fort Benning, Ga., and to substitute therefor the following: 'For Fort Benning, Ga., barracks, \$300,000; to complete the hospital, \$135,000; to construct nurses' quarters, \$65,000.'"

And the Senate agree to the same.

JOHN M. MORIN,  
W. FRANK JAMES,  
JOHN J. MCSWAIN,

*Managers on the part of the House.*

DAVID A. REED,  
FRANK L. GREENE,  
DUNCAN U. FLETCHER,

*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1: Strikes out the total carried in the bill and substitutes the total brought about by the changes agreed to by the conference committee.

On Nos. 2 and 3: The Assistant Secretary of War in charge of aviation asked that the language passed by the House be changed and the new figures be inserted because further study of the project made necessary the increased authorization.

On No. 4: This amendment was adopted at the suggestion of the Chief of the Air Corps because it was for this building the increased amount is desired.

On Nos. 5 and 6: The Assistant Secretary of War for Aeronautics stated that the amount carried in the bill as it passed the Senate was necessary for the building program at the new primary flying school in order to insure a complete project.

On No. 7: The gas holder at Scott Field, Ill., is merely the completion of a unit for the new plant being constructed at that field and as such is a necessary item. The word "hydrogen" was stricken from the bill because the gas holder is to contain helium.

On No. 8: The House passed H. R. 9567, to authorize appropriations for the construction at Fort Leavenworth, Kans., and for other purposes, introduced by Hon. DANIEL R. ANTHONY, Jr., and the Senate included the item in this measure. The House also passed H. R. 9676, providing for construction at Walter Reed General Hospital, and H. R. 9202, authorizing construction at the United States Military Academy, West Point, N. Y., and these items also are carried in this amendment. The item for Fort Benjamin Harrison was reduced because there are only 440 men at this post, who are now housed in temporary quarters. A personal visit by the chairman of the subcommittee of the House Committee on Military Affairs in charge of real estate and construction developed the fact that the most necessary construction at that post at this time was a motion-picture theater, because the present room for such purposes is on the second floor of a frame structure that is a veritable fire trap.

On No. 9: A letter from the Secretary of War to the chairman of the Senate Military Committee explained the necessity for this legislation. The amendment is to indicate definitely that "Ward Building" is part of the hospital at Fort Sill, Okla.

On No. 10: The change in language in this amendment was made to conform to the suggested language of the Secretary of War in a letter on the subject.

JOHN M. MORIN,  
W. FRANK JAMES,  
JOHN J. MCSWAIN,

*Managers on the part of the House.*

Mr. JAMES. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. HOWARD of Nebraska rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Nebraska rise?

Mr. HOWARD of Nebraska. Would the Speaker please submit my request to the House for permission to speak for about 15 minutes on the subject of a big Navy?

Mr. MADDEN. Mr. Speaker, I suggest that the gentleman do that to-morrow. Let us divide the time up.

Mr. HOWARD of Nebraska. That would suit me, to-morrow morning.

Mr. MADDEN. I suggest that the gentleman may get in some time during the day in the committee, out of order. I do not want him to be out of order now.

Mr. HOWARD of Nebraska. If I do that, Mr. Speaker, I will have to violate my program. My program does not permit me to ask any individual for time, but the whole House.

Mr. MADDEN. The gentleman does not have to ask any individual Member. I know the gentleman will be circumspect. Sometimes, as he knows, we try to get in in any way we can.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes to-morrow immediately after the gentleman from Michigan [Mr. CRAMTON] concludes his remarks.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to proceed for 10 minutes to-morrow immediately after the gentleman from Michigan concludes his remarks. Is there objection?

There was no objection.

#### CHANGE OF REFERENCE

The SPEAKER pro tempore. The Chair desires to call the attention of the House to a proposed change of reference of the bill (S. 1287) for the relief of Near East Relief (Inc.). This bill was messaged over from the Senate on February 8. It was inadvertently referred to the Committee on War Claims. It is agreed by the chairman of the Committee on Claims and the chairman of the Committee on War Claims that it should be referred to the Committee on Claims. Without objection, it will be so referred.

There was no objection.

#### TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. MICHENER] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10635, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10635, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

Mr. MADDEN. Mr. Chairman, last week the gentleman from South Dakota [Mr. JOHNSON] asked unanimous consent to proceed for 30 minutes. I objected and said we would give the gentleman time in general debate. It so happened that when he could be given time he had to go away and notified me he could not be here. I suggested I would ask that he be given time this morning, so I ask unanimous consent, notwithstanding the fact that we have begun to read the bill, that the gentleman from South Dakota may speak out of order for 30 minutes.

Mr. BYRNS. Mr. Chairman, I have no objection to that, but I had agreed to yield some time to the gentleman from North Carolina [Mr. BULWINKLE] yesterday, but I did not do it. I do not think the gentleman wants over 5 or 10 minutes, and then I understand that the gentleman from Texas [Mr. CONNALLY] desires to speak out of order for five minutes.

Mr. MADDEN. I will include the three gentlemen in my request. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. CONNALLY], that the gentleman from South Dakota [Mr. JOHNSON], and that the gentleman from North Carolina [Mr. BULWINKLE], in the order named, may proceed out of order for 5 minutes, 30 minutes, and 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, this morning's newspaper reports announce the successful return of Col. Charles A. Lindbergh from his goodwill South and Central American flight to his home at St. Louis. The *Spirit of St. Louis* has now returned to the bosom of its mother. In making this flight Colonel Lindbergh has rendered his country a great service. At a time when within those regions there has existed so much to arouse their hostility toward the United States and at a time when European nations, perhaps, are endeavoring to alienate Central and South America for trade purposes, this great evangel of peace and of good will, this daring messenger of his country, has gone to those regions and brought the people of those climes to his feet in tribute and won for himself, as a representative of the great Republic of the north the highest respect and the finest encomiums of this day.

Mr. Chairman and gentlemen of the committee, as an humble representative of the American people, let me here express the hope that Colonel Lindbergh may cease to imperil his valuable life and endanger his personal safety by other hazardous or dangerous flights.

I believe the Congress of the United States ought to pass a resolution memorializing Colonel Lindbergh not again to risk the hazards of the air or the perils of the sea, but to devote his life to leadership in America in the development of aircraft [applause] and in continuing to stir within the young manhood of America that compelling inspiration which his great example has already generated.

Gentlemen of the committee, his example is too valuable, his life is too precious, his inspiration to the young manhood of America is too splendid, and his services to his country in developing aircraft and the Nation's fighting force in the air are too far beyond computation to risk them again in dangerous enterprises. The path of duty lies now in the direction of preserving his great life. The world is already at his feet in tribute to his daring achievements of the past. Let Congress request him now to preserve his life for the service of his country and of the world in the years of the future. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired. The gentleman from South Dakota [Mr. JOHNSON] is recognized for 30 minutes. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Chairman and gentlemen of the committee, I doubt whether I will be able to conclude my remarks in the time allotted to me, so I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Chairman and gentlemen of the committee, in the course of a life that has not been entirely free from activities it has been my good fortune and privilege to know many men who have taken a rather prominent part in the affairs of the Nation. I have known many legislators in this body in this time, men who know how laws are drafted, how laws are passed, and how laws have been defeated. I have known many men who have been eminent in the law and in medicine and who know what part lawyers and physicians are supposed to take in the scheme of life. It has been my good fortune to know many men who have taken part in other activities of the country, famous baseball players and football players, and men who have served with credit to themselves and their country in some of the greatest battles of history. I have heard those men discuss the rules of the games in which they have taken part. I have heard Members of Congress object, and I thought rightfully object, because something had been done in the process of legislation that was unfair. I have heard football players object, for instance, because some

one had violated the rules and tackled below the knees or tried to gouge out some one's eyes. I have heard baseball players complain because some one attempting to play the game had deliberately slid into second base or home plate and tried to spike them. I have heard many soldiers make objections because they did not think they should always be shot in the back without any possibility of protecting themselves. The rules affecting all the activities to which I have referred are well recognized and should be observed.

But, Mr. Chairman and gentlemen of the committee, I thought most of those rules were violated on the 17th of January, when Senate Resolution 52, the McMaster resolution, referring to the tariff, all at once appeared on the floor of this House. It was impossible for me to be present that day because I had a rather important engagement—at least to me—in a hospital in the city of Washington, and therefore never had an opportunity to express myself on either the subject matter or the procedure.

This resolution reads as follows:

*Resolved*, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all.

*Resolved further*, That such tariff revision should be considered and enacted during the present session of Congress.

And then, apparently as an afterthought, and innocently or otherwise, it was—

*Resolved further*, That a copy of this resolution be transmitted to the House of Representatives.

Now, while it was impossible for me to be present, I did what every Member of this body or any other parliamentary body would do. I had a general pair, asking the pair clerk in the event anything was thrown into the House and I could not be present, to pair me with the majority of the Republicans, believing, as I do, that the expression of a majority of the Republicans would be more likely to result in good for the entire Nation than any other group of men who form any political party, and I was therefore, apparently, paired against the McMaster resolution.

It is a fundamental right of either branch of Congress, the House or the Senate, to resolve on any subject at any time. If either branch of Congress should determine that it was the guardian of the entire world and all the people contained therein, it would be particularly appropriate that that body should pass a resolution on every conceivable subject. In the particular resolution referred to, the Senate recorded itself as believing that the resolution would result to the general benefit of all, and if that statement is true, the Senate should certainly have resolved at great length. So long as the resolution remained in the confines of the Senate and afforded only a wonderful opportunity for the display of oratorical ability, it acted as a vehicle to convey to the world at large, and industry in particular, that there was a real need and demand for the passage of farm-relief legislation. Presumably, the Senate had in mind the thought that if agricultural legislation was not enacted into law those who believed in such legislation were ready to lower the tariff on commodities of manufacture and industry so that there would be equality among men whether they manufactured goods or produced agricultural products, and though it is very far from my present intention to attempt to discuss the senatorial mind or intention in this discussion, from reading the debates on the McMaster resolution, it is entirely probable that the Senate intended to convey that thought by the passage of the resolution, and as long as it remained on the Senate side it would have accomplished that purpose. I think, perhaps, this was the intention in the mind of that great parliamentary body, because I have read with great interest recent speeches made by a very distinguished and able Senator from my State, Senator PETER NORBECK. On June 15, 1926, as shown by the Record, he expressed the thought which I know he believes in and which I know I believe in when he said:

The wise business man is already beginning to realize that his market is adversely affected by the farm depression. The farmers may be in the minority, but an active minority is often an effective force. You ask what will happen. Several things will happen. First, the farmer will tear down the tariff structure, for he believes that he will be invited to participate in its rebuilding. He will not be ignored when that task comes. Perhaps he may, like Samson of old, pull down the temple upon himself, but desperate people will do desperate things, and there is no way to stop them. Radicalism that has been expressed in recent primary elections will be mild compared to what will follow if the present inequality continues.

And then, still consistent and still able to express himself, on January 16 of this year the distinguished and able senior Senator from South Dakota, in his remarks, said:

The point is that the Northwest must look out for itself, and it will look out for itself. The farmers of the prairies are no longer party bound. They do not vote for labels alone. They now look carefully to principles of parties and to the character and record of the candidates. They are not unmindful of the fact that it was following eight years of Democratic administration that the Republican stock dividends, referred to by my colleague [Mr. McMASTER] the other day, were paid. They were not 10, 20, and 30 per cent; they ran to hundreds of per cent and thousands of per cent, and in one case a 16,000 per cent stock dividend was paid.

#### PARTY RESPONSIBILITY

The farmer well understands that his ruination came during a Democratic administration and was due to the attitude of the party toward him. He has watched closely the record of both sides of this Chamber on so-called farm-relief measures, and he finds that only one record is worse than that of the Republican Party in the Senate, and that is that of the Democratic Party. But the farmer also knows that the Republican Party promised in its platform to remedy the inequality existing. The failure to do so is the record that stands against the party. The attitude of the parties and candidates will be closely watched in the coming presidential campaign.

The Senators from the agricultural South and the industrial East have joined hands against making the tariff effective for the farmer by the McNary-Haugen bill, and they are not supporting any other measure that will accomplish the purpose. The Northwest farmer is still pleading for economic justice for agriculture—a proportionate price for the products of his labor. If this is denied him, he will insist on tearing down the tariff wall. If the farmer is compelled to sell in a world market, he will demand the privilege of buying all his supplies in the same market free from import duty.

The tariff must be made effective for the farmer also or the tariff must be reduced.

I have quoted the Senator so extensively because he has so well expressed the thought in which I believe.

There would have been no trouble and no debate on this side of the House except, innocently or otherwise, the last proviso of this resolution directed that a copy of it be transmitted to the House of Representatives. This, in spite of the fact that section 7 of Article I of the Constitution provides as follows:

All bills for raising revenue shall originate within the House of Representatives.

And every time the parliamentary body at the other end of the Capitol has attempted to violate this provision of the Constitution there have been plenty of Members on this side who believe in the Constitution who have been ready and willing to make the objection to its action.

The provision in the Constitution means exactly what it says; and the Senate has no more power or authority to originate tariff legislation than the House has the right to dictate to the Senate concerning treaties with foreign governments, and we do not attempt to do this. The Senate does not even possess the right or power to add a tariff law as a rider on an appropriation bill. It has no power whatsoever in originating revenue matters, and I presume it never will have such power. So far as I have been able to determine in the past revolving career of that distinguished body, it has tried to keep within its jurisdiction and never before has submitted such a resolution.

The rules of the House must be lived up to and respected exactly as the rules of the Senate or the rules of the courts, and the House could do very little under this resolution that suddenly appeared from the other side of the Capitol, because it did not anticipate that that body would attempt to violate the Constitution of the United States; and our rules made no provision for the other parliamentary body attempting to violate the Constitution; and the House, as the judge of the matter, hardly knew what to do when this founding baby was laid on its doorstep. Its paternity was known but its legitimacy questioned, and we did not know what to do with it. The Democratic leader, Mr. GARRETT of Tennessee, who knows parliamentary law and whose mental integrity has never been questioned by anyone, moved that the resolution be referred to the Committee of the Whole House on the state of the Union.

Now, had it been so referred, not being a proposed law, and not being a joint or a concurrent resolution, and, in fact, not being much of anything but an expression of opinion, it could only have been debated for an hour and then have quietly died. The Speaker very properly ruled that such reference of the resolution was not in order. Mr. GARRETT of Tennessee, the Democratic leader, in his great desire to promote peace and harmony among the Republicans, made it difficult for the average citizen and voter to distinguish between Democrats who run on the Republican ticket, Republicans who believe in a tariff based on the difference between the cost of production at

home and abroad and Democrats who believe in a tariff for revenue only, and moved that the resolution be referred to the Committee on Ways and Means. This would have been a polite and dignified way of administering the death blow to the resolution as it would then have never seen the light of day.

It might have been discussed in executive session of the committee, but the rules of the House would have prohibited that discussion from having been made public. If it were to have been discussed, far better that it remain on the Speaker's table, for anyone feeling the urge to indulge in oratorical effulgence who could secure a few moments to speak might discuss it.

It is clear, however, under the Constitution and the rules that the Senate had no right to initiate revenue legislation, and Mr. TILSON, of Connecticut, made the point of order that the motion to refer the motion to the Ways and Means Committee was not in order. The Chair very properly sustained the point of order.

Mr. GARRETT of Tennessee then appealed from the decision of the Chair. Mr. TILSON, of Connecticut, then moved to lay on the table the appeal from the decision of the Chair. The roll call was then taken upon the motion to lay on the table the appeal from the decision of the Chair. It was not a vote on the McMaster resolution, and the practical result of the vote only is to make it possible for every political demagogue and candidate for Congress who desires to misrepresent the facts to assert anything that he wishes to assert concerning the vote of any Member of Congress and apparently prove his case. No Member of Congress could express himself, because the motion was not debatable.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I would like to yield, but I will say that the combination between the Senate and the Democrats of the House has made plenty of trouble already. I will yield a little later.

Mr. GARRETT of Tennessee rose.

Mr. JOHNSON of South Dakota. The same thing will apply to the gentleman from Tennessee, for whom I have great respect. I do not want his speech embedded in mine.

Mr. GARRETT of Tennessee. The gentleman spoke about being in trouble, and I thought I would help him out. [Laughter.]

Mr. JOHNSON of South Dakota. No; I am not in trouble; I am trying to get other gentlemen out of trouble, which they do not deserve. Now, this can easily be shown by the votes of Members of Congress from my own State, two able and distinguished gentlemen, Mr. WILLIAMSON and Mr. CHRISTOPHERSON, representing two districts from that State, with whom it has been my pleasure to serve during all of their legislative career. Neither of them has disagreed on agriculture or tariff legislation. Both have supported loyally and faithfully the McNary-Haugen bill with the equalization fee.

In that I agree with them and still agree with them. Both have stood upon the doctrine that if adequate agricultural legislation can not be enacted to place upon a parity agriculture, industry, and labor, the tariff wall must be lowered, at least to the basis of the difference in cost of production at home and abroad.

They both came here in their congressional innocence and they have been valuable Members. I know they agree absolutely with Senator NORBECK and myself and others, and yet you have seen one recorded one way and one the other, when, as a matter of fact, they agree with me that we will have agricultural relief, or Congress may not adjourn, or we may have a revision of the tariff.

So far as I know no one has ever questioned this attitude of any of the Members of the House from South Dakota. If they should question, it would be political trickery and untrue. On the motion to lay the appeal on the table, one of these gentlemen voted aye and the other no. Either of those votes accomplished the same thing, to wit, nothing. If the appeal were lost the resolution would be smothered in the Ways and Means Committee, and if the appeal was successful the resolution would be smothered on the Speaker's table.

The final result of the vote was only to embarrass every Republican Member of Congress from an agricultural district and to open the door so that every demagogue who desired to get to Congress could attack every Member for voting either way, and every political pirate is doing that very thing.

No one in the House can express themselves on any particular subject, but any one in the other body can express themselves on anything at any time. The rule that applies in the House and in the Senate therefore is different. You know that on this side of the Capitol our business is to legislate rather than to indulge in oratory.

We believe that we would rather pull agriculture up to the plane of manufacture and industry than to depress industry

and manufacture down to the plane of agriculture. I think that a great President, Theodore Roosevelt, expressed a thought that should never be forgotten, when in one of his speeches he said that in the long run everyone in the United States will go up or down together, and I prefer to see every branch of business in the United States and agriculture come to a higher plane or standard of living than to depress the business of anyone. [Applause.]

Of course, as I say, I do not know what was in the mind of the men who sent this resolution over here. I asked a distinguished Member of the other body, whom I know very well, and whom I had the great privilege of knowing some years ago when he was serving in the Army. I can talk with him and he can talk with me very frankly. A few days ago I said to him, "Just why did you put that third provision in the resolution, to send a copy of it over to the House, when you knew that we could not get a vote on it, when you knew that all that we could do would be to have four or five parliamentary votes on the question and that no one could express himself, with the result that a few political pirates and demagogues could tear around the United States and misrepresent our position?" He answered me very frankly, as he has always dealt with me during the years I have known him, both in the Army and in the Congress. He said, "I do not know what was in their minds, but they might have been a good deal like the doughboy who had recently enlisted and was sent up as a replacement to the Infantry in the Rainbow Division in the late war. Thrown in, as this doughboy was, with a lot of old, hardened, battle-scarred veterans, he did not feel that he should show his ignorance of the implements of war and destruction which are used in time of battle."

"Particularly did he fail to have an explanation made to him of the dangers and possibilities and idiosyncrasies of hand grenades, and no one thought to tell him that if the pin on one of those grenades was pulled, within five seconds it would blow up not only all of the innocent bystanders who happened to be in the vicinity but was likely to blow up the pullee of the pin. Some one had told him, however, that these grenades were noisy, and were loaded with T. N. T.; but he did not think of that until after he had pulled the pin, when suddenly it occurred to him that the pin had some connection with the firing mechanism, and two seconds before the grenade exploded he managed to give it a wild heave in the general direction of the sky, just like resolutions sometimes come to parliamentary bodies. After the dead and wounded had been cleared away, a hard-boiled old captain from the company, who rode down in the ambulance with the recruit, as they took him to the hospital for repairs and replacement, said, 'Son, what did you want to do; kill all the men in your own company?' 'Captain,' said the boy, 'I didn't know anything about these hand grenades. The corporal said that they would make an awful lot of noise, but really I did not know that such a little piece of machinery could raise so much hell.' [Laughter.]

That is exactly the situation of this resolution. No one appreciated the fact that coming in as it did it might tend to give every political demagogue in the United States an opportunity to run for Congress; that it might give men a chance to misrepresent other men, and that it could serve no useful purpose, whether it laid on the Speaker's table and died there, or reposed on the desk of the chairman of the Committee on Ways and Means and died there, because, no matter what happened to it, it had to die under the Constitution of the United States and the rules of the House.

Mr. Chairman, I trust that I have expressed myself clearly enough so that there will be less of misrepresentation of the votes of Members of Congress. I have two very good friends whom I see before me to-day, and one of them voted "nay" and the other voted "aye" on the resolution. Both are for agricultural relief and take the viewpoint that I take, that if we do not get it we are very likely to see some tariff legislation before this is over, and if I have in any degree protected those men from unfair abuse, I shall have served the only purpose I desired to serve in this short discussion. I now yield to the gentleman from Texas [Mr. GARNER].

Mr. GARNER of Texas. And I shall ask the gentleman one question appropriate to the present moment. The gentleman says that his only purpose in rising this morning was to protect his two colleagues from his State. I now ask him on which side he would have voted had he been here?

Mr. JOHNSON of South Dakota. Had I been here I would have lived up exactly to the Constitution of the United States and the rules of the House, and have voted to sustain the position of the Chair, which I think was correct.

Mr. GARNER of Texas. And the gentleman does not favor the sentiments expressed in the McMaster resolution?

Mr. JOHNSON of South Dakota. The gentleman from Texas perhaps has not listened to me very carefully.

Mr. GARNER of Texas. Oh, yes; I did listen very carefully to the gentleman.

Mr. JOHNSON of South Dakota. I said that I favored agricultural relief and the McNary-Haugen bill; to be exact, that we ought not to divide our forces on that; and if we can not pass the McNary-Haugen bill and industry and agriculture do not get on a parity, then I am willing to join anyone to revise the tariff; but I should like to have the battle on the McNary-Haugen bill instead of on a resolution that means nothing.

Mr. GARNER of Texas. But if the gentleman can not raise agriculture up to where we desire to raise it, he would be willing to reduce the tariff on some of the things that the farmer has to purchase?

Mr. JOHNSON of South Dakota. Yes. I now yield to the gentleman from Tennessee [Mr. GARRETT], who wished me to yield to him some time ago.

Mr. GARRETT of Tennessee. Oh, the gentleman has answered the question that I would have asked him.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman from Texas.

Mr. JONES. I would like to suggest to the gentleman that for four or five years I have been hearing statements made to the effect that if we did not pass farm-relief legislation along certain lines we were going to revise the tariff. This is the only time during those five years in which those gentlemen making those threats, including the gentleman from Iowa [Mr. DICKINSON] and others, have had a chance to make good their threats. Does not the gentleman think it would have been a good step to have taken to have shown that they mean business by adopting that resolution? I suggest that action along that line would have at least indicated the sentiment of the House.

Mr. JOHNSON of South Dakota. The gentleman seems to think that the Constitution of the United States and the rules of the House should be violated in voting to override the ruling of the Chair concerning a resolution violating the rules?

Mr. JONES. No. The gentleman has not stated how he really feels on the resolution. On the merits of that resolution is he in favor of tariff reduction or not?

Mr. JOHNSON of South Dakota. I have expressed my views exactly on the tariff and industrial-relief questions, and on the resolution that came up here on a technical and partisan vote.

Mr. JONES. Does not the gentleman think that if the House expressed its opinion, it might have some persuasive force with the committee?

Mr. JOHNSON of South Dakota. I suggest that if the gentleman will get his Democratic Members together and agree upon a system of farm relief, we may be able to do something. But he can not get more than two-thirds of them. If the gentleman will get his people together and give us a bill based on the difference in the cost of production here and abroad, he will have a chance to do something.

Mr. JONES. Will the gentleman vote in favor of that?

Mr. JOHNSON of South Dakota. The gentleman from Texas can get plenty of votes when they are purely political, but he can not get them when they are practical.

Mr. JONES. Will the gentleman vote for a revision of the tariff law now?

Mr. JOHNSON of South Dakota. I would be willing to vote on a law, but not on a fool resolution.

Now, if the gentleman will keep quiet for a moment, I will tell him how to do it.

Mr. JONES. The gentleman and his colleagues have been talking for five years about what they wanted to do, and yet when they get a chance to do it they do not take advantage of it. They vote against the only opportunity they have had in all these years for a real expression on the tariff. That is not a fool resolution, but one of tremendous importance.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. MURPHY. Will the gentleman give us an idea of what the farmer expects to buy cheaper when he gets a reduction of the tariff—things that he buys now? Everything that he buys now—fertilizer, twine, and machinery are admitted under the free list.

Mr. JOHNSON of South Dakota. Oh, if I should start in on the tariff duties on different schedules I would not have time enough between now and next Christmas. I would like to go into those questions, but if the gentleman will read the Senate debate on this Senate resolution he will find there the very answer that he wishes.

Mr. GARRETT of Tennessee. Will the gentleman yield to me now?

Mr. JOHNSON of South Dakota. I will be delighted to yield to the gentleman.

Mr. GARRETT of Tennessee. In the event farm-relief legislation, or to be specific, the McNary-Haugen bill, should fail, will he be ready to consider the question of a tariff debate?

Mr. JOHNSON of South Dakota. Yes.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from South Dakota if he is not absolutely confident in his own mind that there is not the remotest chance for an agricultural relief bill, containing the equalization fee, to become a law at this time?

Mr. JOHNSON of South Dakota. I do think it has a good chance. I will say to the gentleman. Conditions have changed since it was up before, and ideas have been changed.

Mr. GARRETT of Tennessee. Does the gentleman think there has been a change in the White House?

Mr. JOHNSON of South Dakota. I know there is a change. I am not authorized to speak for the gentleman in the White House, but I think there are enough votes in the House to override a veto, even if the gentleman in the White House does not agree to it. If Congress should not adjourn this summer, there might be time for the discussion of many things.

Now, I want to ask the gentleman from Tennessee a question. If the conditions were reversed, and the gentleman from Tennessee were Speaker and the gentleman from Ohio [Mr. LONGWORTH] were the minority leader, and the gentleman from Tennessee were in the chair, when this tariff resolution came up would he not have ruled exactly as the Speaker did rule?

Mr. GARRETT of Tennessee. I decline to give the Republican side of the House the benefit of my wisdom. They will have to solve their own problems. [Laughter.]

Mr. JOHNSON of South Dakota. I thought the gentleman would refuse. [Applause.]

The CHAIRMAN. The time of the gentleman from South Dakota has expired, and the gentleman from North Carolina [Mr. BULWINKLE] is recognized for 10 minutes. [Applause.]

Mr. BULWINKLE. Mr. Chairman, I do not desire to speak about that hand grenade which so affected my friend from South Dakota, but I do wish to call to the attention of the House and have it read in my time a resolution passed at a recent meeting of the executive committee of the American Legion, Department of North Carolina.

The CHAIRMAN. Without objection, the Clerk will read the resolution.

There was no objection.

The Clerk read as follows:

#### Resolution

*Be it resolved by the executive committee of the North Carolina Department, American Legion, that—*

Whereas at every annual convention of this department the members of the department have unanimously adopted resolutions memorializing the Senators and Representatives of this State to support the Tyson-Fitzgerald bill for relief of the disabled temporary officers of the World War; and

Whereas at the present session of Congress this bill has again been reported favorably to both branches of Congress and will undoubtedly pass by a large majority if it is brought to a vote: Now, therefore,

This committee unanimously requests the Members of Congress from North Carolina to support the efforts of those in charge of this bill for an early and favorable vote thereon.

For four sessions, Mr. Chairman, this bill has been reported favorably by the committee of the House. For four times the House has failed to take action upon it. I think on several occasions this bill, or a bill of similar character, passed the Senate, but for seven years there has been no attempt by the majority party in this House to bring this bill to a vote. Members of the House have constantly said, a majority of them, in fact, that they are in favor of this bill.

The reason that I am bringing it to your attention to-day is that it is time for us either to vote it up or vote it down, and quit playing with it. If there is merit to it, as I think there is, then there is no question but what we as men should face it and should vote on it. For eight years we have played football with this.

While I am speaking about that, may I not say also as to other veterans' legislation that there has not been a single meeting of the full Committee on Veterans' Legislation. That will run along, like it always does, to the end of the session, and then it will be brought in under suspension of the rules. It is true, in justice to the chairman, that he has been in the hospital, but he has been out for some time. Nearly two months and a half have elapsed. There have been subcommittee meetings on the hospital bill, but nothing definite has been done with respect to that. The subcommittee has never reported to the full committee. There have been a few meetings

of the subcommittee in regard to the insurance matter, but no report to the full committee. You can mark my prediction, which will come true, that there will not be a meeting of the full committee before the latter part of this month or of next month. It is meant and intended by the majority steering committee on your side of the House that the general bill for veterans' relief shall be brought up toward the end of the session under suspension of the rules, as all similar bills have been in the past.

Mr. CLARKE. Will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. CLARKE. As I understand, the bill to which the gentleman refers is the one which equalizes the pay.

Mr. BULWINKLE. It is the emergency officers' bill.

Mr. CLARKE. That is the bill to which the gentleman refers?

Mr. BULWINKLE. Yes.

Mr. CLARKE. What is the objection to it?

Mr. BULWINKLE. I can not find any objection to it, and I have voted on it favorably in the committee time after time.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed out of order for five minutes. Is there objection?

Mr. BANKHEAD. Mr. Chairman, reserving the right to object, is the gentleman going to speak on the subject of the division in the Republican ranks on the McMaster resolution?

Mr. SIMMONS. I am going to speak on the matter discussed by the gentleman who preceded me, Mr. BULWINKLE.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMMONS. Mr. Chairman and gentlemen, I have listened with much interest to what my good friend Mr. BULWINKLE has had to say about veterans' legislation and in particular about the bill known as the emergency officers' bill. He and I have not parted company generally on veterans' legislation, but we have parted company on that bill. We have fought side by side for all veterans' legislation since I have been here.

I am one of a group of service men in the House who appeared before the Rules Committee in the last Congress opposing the giving of a rule on the emergency officers' bill. Our reasons for doing it were plainly stated to the Rules Committee then; they are printed and nobody need have any doubt about what those reasons are. I likewise spoke before the House last Congress on the bill. I propose to appear before the Rules Committee again this year, if given the opportunity, before a rule is granted on the emergency officers' bill.

In all of these years we have not had before the Veterans' Committee of this House an open full hearing on that bill, and I will say this to the Rules Committee now, as I say it to the House, that if the Veterans' Committee will hold hearings on the emergency officers' bill and give the men on that committee who are opposed to it a fair chance to call witnesses and examine them, and to bring before the Veterans' Committee the Secretary of War, the Secretary of the Navy, the Director of the Veterans' Bureau, the national commander of the American Legion, the national commander of the Disabled American Veterans and others who are asking for this legislation in order that the Congress may know first hand what the opinion is regarding the bill and what the facts are, and what the bill does, then I will not oppose the bill coming on the floor of the House for consideration.

Until that is done I feel we are entitled to oppose the bill coming before the House. It is a bill that now proposes to fix permanently an annual charge of something better than \$2,000,000 a year and upward on the Treasury. It is a bill that discriminates decidedly against over 200,000 disabled enlisted men of the World War and against over 6,000 disabled officers. I think we ought to have the facts; Congress is entitled to the facts. All the facts we have now before the Congress are facts that men who have studied that bill and who have reached the conclusion it is wrong have pulled out of different people at different times—thus some prepared statements submitted to the committee by interested organizations. The World War Veterans' Committee has not brought those facts to the Congress and they should. We are entitled to have that committee bring those facts and those witnesses to us.

There is pending now before the House on that bill a minority report from the World War Veterans' Committee signed by two service men of the World War, one a Republican and one a Democrat, who are opposed to the bill. Last year there were four service men on that committee who signed that report.

Two of them are not now members of the committee. With the permission granted to extend my remarks I include herein a copy of their report:

#### MINORITY VIEWS

Having been denied hearings in the Committee on World War Veterans' Legislation, we content ourselves with the presentation of the minority views as expressed in connection with this bill in the Sixty-ninth Congress and which are submitted below.

J. E. RANKIN.

BIRD J. VINCENT.

This is known as the World War emergency officers' retirement bill. If it should become a law it would most unjustly discriminate against all disabled enlisted men and a large part of the disabled emergency officers in favor of a certain class comprising a limited number of disabled emergency officers. It would reward men not according to their disability but according to their rank, thereby violating the very fundamental principles of our American institutions.

For instance, an officer who incurred physical disability in line of duty and has been "or may hereafter be" rated at not less than 30 per cent permanent disability shall be placed upon the retired list at 75 per cent of the salary to which he was entitled at the time of his discharge. What does this mean? It means that an emergency officer with a 30 per cent disability which originated in line of duty shall receive pay for life as follows:

	Per month
Brigadier general	\$375.00
Colonel	250.00
Lieutenant colonel	218.75
Major	187.50
Captain	150.00
First lieutenant	125.00
Second lieutenant	93.75

While the enlisted man with a 30 per cent disability will receive \$30 a month.

Yet they tell us that the ex-service men are in favor of this measure. That is not true. If every ex-service man in the United States understood what this bill means, we doubt if it would receive the indorsement of 1 service man out of 10.

It even discriminates against an overwhelming majority of the disabled emergency officers themselves. Those who are rated at less than 30 per cent permanent disability are excluded from a participation in the financial benefits of this measure. They are to receive the same pay as enlisted men with similar disabilities. If a colonel and his enlisted brother were both 30 per cent permanently disabled, the colonel would receive \$250 a month, while the enlisted man would receive only \$30 a month. But if they were both 29 per cent permanently disabled they would both receive the same compensation, \$29 a month.

Not only that, but it discriminates against the sacred dead, who "gave the last full measure of devotion" upon the field of battle or have died since the war closed. Their loved ones who were dependent upon them for support would not receive one dollar's worth of benefit from this unjust legislation. The widows and children of officers who gave their lives in the conflict, or who have died since the war closed, would draw compensation on the basis of allowances for the dependents of enlisted men.

The disabled emergency officers are being taken care of now along with the enlisted men. They served together, they fought together, they were frequently members of the same families, and where they suffered the same disabilities they should receive the same treatment.

But the advocates of this bill argue that these disabled emergency officers are discriminated against in the retirement of officers of the Regular Army, and ask Congress to pass this measure to favor 1,848 of these emergency officers and to discriminate against 41,496 enlisted men who are disabled to the same degree and 6,618 disabled emergency officers and 171,580 disabled enlisted men whose disabilities are rated at less than 30 per cent, in order to correct what they contend is a discrimination in favor of the officers of the Regular Army.

We are not responsible for the present law providing for the retirement of officers of the Regular Establishment. But if we were, and were willing to concede that there is an injustice in the present law, we would not be justified in trying to offset it by passing additional unjust legislation.

We must remember that officers of the Regular Establishment go into the Army for life. They make it their life's work; and in order to secure the class of men necessary to maintain the proper officer personnel in times of peace we must make some provision for taking care of them in case they become disabled.

As was said by a former Secretary of War:

"The privileges of the retired list of the Regular Army constitute a consideration granted by the Government for the consecration of lives to its military service and the volunteering for life for such service in any exigencies that may arise, whether in peace or war. The mili-

tary relation requires the officer to give up ambitions which are the rightful portion of every man in the great world outside, and for a measure of compensation which does not exceed what is barely sufficient to maintain himself and family in the status which the military service demands; and the law has said that when he serves a prescribed period of time, or has reached a certain age, or is disabled by injury or disease incident to the service, he must withdraw from active service and give way to a younger man better fitted for the rigors of military life. As the officer has not been trained for a business career or for any career in civil life, he finds himself at the end of his service, certainly in the vast majority of cases, not only without a profession but without a competency."

He also calls attention to the fact that—

"Congress has thus far restricted the privilege of retirement to members of the permanent Military Establishment; that is, to those only who have consecrated their lives to the military service. This is true not alone of the officers but of the enlisted man, who may retire only when he has served a sufficient time to indicate that he has adopted the military service as a life career. To those who have thus pledged their services for life to the Nation, in peace or in war, Congress, as a matter of keeping faith with them, has provided by law that they shall be secure in their calling throughout their lives, and when they have performed what is deemed a life service shall be relieved of some of the active duties of service and be permitted a living pay for the remainder of their lives. This basic principle of our retirement laws is recognized in an opinion rendered June 10, 1898, by Solicitor General Richards and had the approval of Attorney General Griggs. In discussing the applicability of laws relating to the Regular Army to the then existing volunteer forces the Solicitor General said:

"Chapter 2 of Title XIV, providing for the retirement of Army officers, clearly has no application to the Volunteer Army, organized for simply temporary service. This chapter creates two lists of Regular Army officers—the active and the retired list—a distinction which does not obtain in the Volunteer Army. When, therefore, section 1222 places a restriction on every 'Army officer on the active list,' it plainly refers to Regular Army officers. An Army officer of the active list is one not only active but permanently engaged in the military service of the Government. Having chosen the Army for his career, and being actively engaged therein, the statute properly prohibits him from accepting or exercising the functions of a civil office.

"While an officer of the Volunteer Army may be said to be actively engaged in the military service, he is not permanently so engaged. He is called out to meet an emergency, and must be discharged when the purpose for which he entered the service has been accomplished. Unlike the Regular Army officer, he has not selected the military service for a profession. He has simply responded to a patriotic call, and expects when the war is over to return to civil life. His term of military service is uncertain and contingent. He may be taken from his civil duties for a few months, for a year, for two years at the most. The Government does not need nor demand a complete and final severance of his relations with civil life. He may be able to make arrangements to bridge over his absence, and on his return resume his former work."

This is not a new proposition. The Adjutant General stated in a letter to a Member of Congress on February 25, 1926, that—

"Many bills have been introduced in both Houses of Congress at different times authorizing the appointment on the retired list of the

Army of those officers who served in the Volunteer Army in the Civil War, but none of them has ever been enacted into law."

Congress refused for 50 years and more to pass a law that would thus discriminate between the officers and enlisted men of the Civil War. On May 9, 1917, Hon. Newton D. Baker, then Secretary of War, in a letter to the chairman of the Military Affairs Committee with reference to such a measure, made the following prophetic statement:

"Furthermore, if the bill under consideration were to be enacted into law for the benefit of men who served as volunteer officers of the Civil War, it is reasonably certain that it would be followed by other measures for the benefit of volunteer officers of the war with Spain, of officers belonging to the National Guard who have rendered or are now rendering active Federal service, and of officers of the present war not belonging to the permanent Military Establishment. It would seem that the precedent established by the enactment of such legislation for the benefit of volunteer officers of one war should, in common fairness, be followed in time by similar legislation for the benefit of volunteer officers of all wars. It can be readily seen that the expense involved in any such legislation would be enormous."

The additional expense of this bill for the first year would be \$1,190,052. As time goes on the expense will grow. Men will be asking to have their cases reopened and their disabilities readjusted. Those whose disabilities shall have increased to 30 per cent will be entitled to be placed on the pension roll along with the others. And we had just as well admit that this is a permanent pension that we are being asked to allow to these disabled emergency officers. The chances are that we will soon be asked to reduce the degree of disability to 20 per cent, then to 10 per cent, and finally to wipe it out altogether, and to ultimately place the ex-officers on a pension status as officers instead of leaving them to be treated in the same manner as enlisted men. The enlisted men outnumber the officers overwhelmingly, and already some of them are asking that they be given the benefits of this retirement act in case it passes, and that they be retired as second lieutenants. Suppose pressure should be brought to bear upon Congress later to wipe out some of the discriminations of this measure by giving the enlisted men the retirement or pension status of second lieutenant. Ultimately the percentage requirement as to their disabilities would disappear. Who can tell what the ultimate expense to this Government such a pension policy would bring?

The bill is just the opening wedge. It is lifting the latch to the floodgates of expenditure, the consequences of which no one can foretell.

We regret very much that we are unable to agree with the majority of the committee that reported this bill out. But in justice to the enlisted men, who are just as patriotic and just as deserving as the officers; in justice to the many thousands of disabled emergency officers, whose disabilities are rated at less than 30 per cent; in justice to the widows and orphans of those who made the supreme sacrifice; in justice to the taxpayers of the United States on whose shoulders the burden of these expenditures would rest, we respectfully dissent from the views of the majority, and submit that this bill ought not to become a law.

J. E. RANKIN.  
BIRD J. VINCENT.  
J. L. MILLIGAN.  
S. J. MONTGOMERY.

The attached table is self-explanatory.

Compensation and increased retirement cost for commissioned officers, September 30, 1926

Rank	Permanent partial (over 30 per cent)		Permanent total		Total		Army pay rate	75 per cent of Army pay rate	Cost on basis of 75 per cent of Army pay rate
	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment			
General							\$500.00	\$375.00	
Colonel	3	\$175	9	\$790	12	\$960	333.33	250.00	\$3,000
Lieutenant colonel	7	305	14	1,320	21	1,625	291.66	218.75	4,594
Major	54	2,330	67	7,200	121	9,530	250.00	187.50	22,688
Captain	216	9,600	250	25,700	466	38,300	200.00	150.00	60,900
First lieutenant	358	16,450	313	32,770	671	48,220	166.66	125.00	83,875
Second lieutenant	283	13,160	274	27,310	557	40,470	125.00	93.75	52,219
Total	921	42,015	927	95,090	1,848	137,105			236,276

\$236,276×12=\$2,835,312: 75 per cent of annual pay for Army officers rated permanently disabled 30 per cent or more.

\$137,105×12=\$1,645,260: Annual compensation for Army officers rated permanently disabled 30 per cent or more.

\$2,835,312-\$1,645,260=\$1,190,052: Increased cost for retiring Army officers rated permanently disabled 30 per cent or more.

\$1,190,052÷\$1,645,260=72.33 per cent: Per cent of increase in pay for Army officers who are retired.

25 Navy officers (including Coast Guard) receiving \$1,120 compensation are rated permanent partial 30 per cent or more.

72 Navy officers (including Coast Guard) receiving \$7,100 compensation are rated permanent total.

\$1,120+\$7,100=\$8,220×12=\$98,640: Annual compensation for Navy officers.

72.33 per cent of \$98,640=\$71,346: Increased cost for retired Navy officers.

8 marine officers receiving \$370 compensation are rated permanent partial 30 per cent or more.

8 marine officers receiving \$800 compensation are rated permanent total.

\$370+\$800=\$1,170×12=\$14,040: Annual compensation for marine officers.

72.33 per cent of \$14,040=\$10,155: Increased cost for retired marine officers.

\$71,346+\$10,155=\$81,501: Increased cost for retired naval officers.

If the proponents of the bill believe in it, if they are willing it should come before the House of Representatives with this body fully advised about it, they ought to be willing that the House of Representatives have the facts about it and they ought to be willing that the World War Veterans' Committee should hold hearings on it. This year I am told that over the objection of members of the committee that committee reported out the bill without a hearing, and it is before you from the great committee that has charge of it and which is asking you to follow its recommendation without hearings to help you in reaching a conclusion on it.

So for my part, while I have opposed during these years this bill coming before the Congress, if the World War Veterans' Committee will just tote fair with the House and hold open, free, complete hearings on the bill and give the Congress the facts about it, then for one I will not further oppose the bill coming before the House.

#### THE UNITED STATES CODE

Mr. RAMSEYER. Mr. Chairman, I move to strike out the last line in order to offer a few constructive suggestions in regard to the use of the United States Code of Laws which was enacted a few years ago and which embraces the statute laws of the United States in force on the 7th day of December, 1925.

Mr. MADDEN. Let us read the paragraph first.

Mr. RAMSEYER. The paragraph under consideration makes reference to an enactment by Congress, and therefore involves the use of the United States Code. I have on several occasions addressed you on the use that ought to be made of this code.

The gentlemen present here this afternoon, including members of the Committee on Appropriations, and especially the lawyers on that committee, I am sure will agree with me when I say that it is the duty of Congress to enact just laws; that such enactments should be in clear and simple language, so that the people can understand them, and that after writing such laws in understandable language such laws should be codified at frequent intervals, so they can be easily found by the people who want to familiarize themselves with the laws enacted by Congress to govern the Nation.

In codifying the statute laws of the United States it must be conceded that the Congress has been extremely negligent. There was no codification of the statute laws of the United States from 1878 until the attempted codification of 1925. I have before me here the volume entitled "The Code of Laws of the United States of America," which is supposed to contain the statute laws of the United States in effect December 7, 1925.

Although this volume has been available in the office of every Member of Congress for about a year, no bill has yet been reported to this House to amend a statute of the United States by referring to such statute as it appears in this United States Code. Bills to amend existing law are introduced, considered by committees, and reported to the House, and the statutes thus sought to be amended are either referred to as appearing in the Revised Statutes, or in the Statutes at Large, or an act of a certain date. Now, it is well known that each act of Congress as it is passed is printed separately, bearing the date on which the President signed it. Such separate prints of these acts are in the possession of very few people. Of course, the original of each of these acts is in the possession of the Secretary of State.

Now this Code of Laws, in so far as it is accurate, was intended to supersede all enactments, whether found in the Revised Statutes, Statutes at Large, or other sources, prior to December 7, 1925. On page 1 of this code is what may be termed the enacting clause. A portion of paragraph (a) of section 2 of said clause reads as follows:

The matter set forth in the code . . . shall establish prima facie the laws of the United States . . . in force on the 7th day of December, 1925.

The last sentence of this paragraph reads:

In case of any inconsistency arising through omission or otherwise between the provisions of any section of the code and the corresponding portion of legislation heretofore enacted, effect shall be given for all purposes whatsoever to such enactments.

In this enacting clause there is no attempt to repeal any previous enactments. Although the matter set forth in the code shall establish prima facie the laws of the United States, in order to be the laws of the United States such matter must meet the test set forth in the last sentence of the paragraph to which I just referred. If there is no such inconsistency—I am now referring to the language of the last sentence of that paragraph again—in a particular section of the code, then such

section is the law beyond dispute or doubt. If such inconsistency is presented in any particular section, then the corresponding portion of legislation heretofore enacted is the law and not the section wherein the inconsistency appears.

I call especial attention of the lawyers of this House to what I am about to say, and I hope I may have your attention for a few minutes, although I realize that what I am discussing now is both dry and technical. Our reluctance to make use of this Code of Laws or referring to this code in bills to amend existing statutes is probably based on fear that to make such use might invalidate the proposed act to amend existing statutes in the code. The fear is that in case the section of the code so amended should be found to contain "any inconsistency" that the amending act would thereby be invalidated.

The first proposition I want to make to you is that the sections in the code in which no inconsistency appears with corresponding portions of legislation heretofore enacted are the law, and that an act to amend one or more of such sections in the code would be valid. It would be perfectly safe to adopt the practice in this House to report bills to amend such section or sections without any other reference in such bills to previous enactments where such section or sections could be found.

For instance, about two weeks ago, when this question first came up as to what use should be made in our legislation of the United States Code, there was up for consideration a bill to amend section 2455 of the Revised Statutes. This section is reproduced in section 1171 of title 43 of the United States Code. Assuming there is no such inconsistency in section 1171 of title 43 of the United States Code as contemplated in paragraph (a) of section 2 of the enacting clause to the code, then this section is the law. Then the bill before the House to amend section 2455 of the Revised Statutes should have been a bill to amend section 1171 of title 43 of the United States Code. I furthermore think it is the duty of Members in charge of bills to amend existing statutes to find out whether the statute they seek to amend appears in the United States Code without any inconsistency. If it does so appear in the code, then use should be made of the code without any other reference to encumber the bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. RAMSEYER. If the gentleman will wait until I get through with my statement, I shall be pleased to yield to him.

The second proposition I wish to present is this: Suppose a bill is presented and passes Congress "to amend section 1171 of title 43 of the United States Code, to read as follows." What appears after the word "follows" is what Congress intends to be the law. Now the question arises, What will be the effect of such an enactment in case the said section 1171 of title 43 of the United States Code contains "any inconsistency," such as is contemplated in the enacting clause of the code? Can there be any question about the intent of Congress? Common sense will tell anybody that the amendatory act thus passed by Congress was by Congress intended to be the law, and I think it is safe to go on the assumption that the courts in construing such an enactment would exercise the same degree of common sense that Congress exercised in enacting the amendatory law. The question presented is, Will the validity of the enactment depend upon section 1171 of title 43, United States Code, being free from "any inconsistency"? At the end of this section 1171 of title 43 of the United States Code, the section I am using as an illustration, there are, in parenthesis, references to previous enactments where this section can be found. These references are for the guidance of the courts as well as for the guidance of Congress. Will the courts, in passing on the validity of such enactment, take notice of said references in determining the intent of Congress? I am simply throwing out these suggestions for you to think about.

Mr. COLTON. Will the gentleman yield?

Mr. RAMSEYER. If it is right on this point.

Mr. COLTON. It is right on that point.

Mr. RAMSEYER. Pardon me, but let me finish my statement, because a few moments ago I refused to yield to the gentleman from Florida.

Now, the third proposition I wish to present is this—and on this I invite the attention and serious consideration of the members of the Appropriations Committee: If through fear or in the exercise of caution we deem it unsafe to refer only to the Code of Laws in bills to amend the statute laws, I am here

to assert there is absolutely no excuse for the Appropriations Committee to refer in the appropriation bills to anything but the Code of Laws. The many references in every appropriation bill to acts of Congress are not for the purpose of giving validity to any appropriation. An appropriation in an appropriation bill becomes law whether based on existing law or not. Under the rules of the House, if an appropriation bill carries an item not based on existing law it is subject to a point of order. One object in referring in an appropriation bill to certain statutes or acts is to assure Members of the House that that particular appropriation is based on existing law. Furthermore, such references may aid officers in the departments who administer the appropriations authorized by Congress. Such references in the bill, whether for one or the other purpose, or for both purposes, should be made to the United States Code of Laws, because that Code of Laws is accessible to every Member of Congress and to every administrative officer in the Government. I challenge contradiction of the statements I have just presented to you on this proposition, and, in fact, I earnestly invite debate of the Members of this House on each of the three propositions I have presented to you this afternoon. Furthermore, I invite and welcome comments from any source, including the Bureau of the Budget, Comptroller General, and all administrative officers.

Mr. MADDEN. Why not take it up when the question is up?

Mr. RAMSEYER. That question is up right now. You have nearly a hundred references to statutes in this bill. I could offer an amendment to change each one of those references. However, I have no intention of doing so. There is absolutely no excuse or sense in maintaining this archaic method of referring to enactments in appropriation bills and not making use of the code for that purpose.

The excuse has been made that it is difficult to locate some of the statute laws in the United States Code. I wish to call attention to the fact that in the legislative reference service in the Library of Congress there is a complete card index showing where every enactment of Congress prior to December 7, 1925, can be found in the United States Code. The gentleman who prepared this card index and who is in charge of it is referred to in the preface to the Code of Laws in this language:

Acknowledgment of valuable assistance is given to W. H. McClenon, of the legislative reference division of the Library of Congress, and to the law officers and other representatives of the several departments, bureaus, and commissions of the Government.

I requested Mr. McClenon to furnish me from his card index references to the United States Code for the statutes cited in this bill, H. R. 10635. I have those references before me and will insert them in the RECORD, so that Members of the House, and especially members of the Appropriations Committee, can see just how easy and simple it is to make use of the Code of Laws.

Mr. MADDEN. Can the gentleman certify to the accuracy of code citations?

Mr. RAMSEYER. I can not certify to their accuracy, but Mr. McClenon, an authority on the subject, can make such certification.

Mr. MADDEN. The gentleman from Oregon, chairman of the Committee on Public Lands, had a bill and he could not find the references.

Mr. RAMSEYER. Since that time I have told the gentleman from Oregon to call upon Mr. McClenon and make use of his card index.

Mr. SINNOTT. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. SINNOTT. The gentleman does not expect the committee to keep in touch with all these matters. We have spent three hours on four bills trying to find references with the assistance of a clerk.

Mr. RAMSEYER. They have them in the legislative reference division of the Library. Make use of that service and save time.

Mr. SINNOTT. I could not find them at all. A part of the oil leasing act is not in the code.

Mr. RAMSEYER. There are a few omissions. Now, I want to show you how difficult it is to get out of a rut. On page 64, line 16, of this bill is a reference to the act of July 2, 1836. Note the date—1836. That is over 40 years before the Revised Statutes. This act of July 2, 1836, was repealed in the act of June 8, 1872, as you will find in Seventeenth Statutes at Large, section 327. This reference to the act of July 2, 1836, has undoubtedly been carried in the appropriation bills for years and years, even though the act has been repealed for over 50 years. It is certainly high time that the propositions I have presented this afternoon be given some thought and consideration by this House.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a few sheets showing the United States Code references to statutes cited in the bill under consideration.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. I present the following references, to which I referred in my remarks, for printing in the RECORD:

UNITED STATES CODE REFERENCES FOR STATUTES CITED IN H. R. 10635

Page 2, lines 5-6. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 2, line 10. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 2, line 14. Act. Chapter.

Page 2, line 25. Section 6 of such act. Section 666 of such chapter.

Page 3, line 7. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 3, lines 20-21. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 6, line 12. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 6, line 20. The act of March 1, 1919. Section 111 of Title 44, United States Code.

Page 7, lines 8-9. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 10, line 4. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 10, lines 12-13. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 10, lines 15-16. Section 3653 of the Revised Statutes. Section 545 of Title 31, United States Code.

Page 10, lines 22-23. Section 3649 of the Revised Statutes. Section 548 of Title 31, United States Code.

Page 11, lines 5-6. Section 3512 of the Revised Statutes. Section 319 of Title 31, United States Code.

Page 11, lines 22-23. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 12, lines 1-2. Act of September 24, 1917, as amended and extended. Section 760 of Title 31, United States Code.

Page 12, lines 6-7. Section 8 of the first Liberty bond act and in section 10 of the second Liberty bond act, as amended. Sections 759 and 760 of Title 31, United States Code.

Page 12, line 8. The act of June 16, 1921. Section 761 of Title 31, United States Code.

Page 12, line 25. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 13, line 4. The classification act of 1923. Chapter 13 of Title 25, United States Code.

Page 13, line 14. Section 518 of the tariff act of 1922. Section 405 of Title 19, United States Code.

Page 13, lines 17-18. Section 525 of the tariff act of 1922. Section 414 of Title 19, United States Code.

Page 13, lines 21-22. Section 3648 of the Revised Statutes. Section 529 of Title 31, United States Code.

Page 14, lines 11-12. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 15, line 19. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 15, line 22. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 16, line 4. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 16, line 7. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 18, lines 9-10. The appropriation "Collecting the internal revenue, 1928." Not in code.

Page 19, lines 4-6. Sections 3220 and 3689, Revised Statutes, as amended by the revenue acts of 1918, 1921, 1924, and 1926. Section 149 of Title 26, United States Code, as amended by the revenue act of 1926, and section 711 of Title 31, United States Code.

NOTE.—Section 149 of Title 26, United States Code Appendix, contains the amendment made by the revenue act of 1926.

Page 19, lines 15-16. Section 600 of the revenue act of 1924. Section 881 of Title 26, United States Code.

Page 19, lines 16-18. Section 900 of the revenue act of 1921, or of the revenue act of 1918. Not in code.

Page 20, lines 12-13. The national prohibition act. Title 27, United States Code.

Page 20, lines 13-19. The act entitled " \* \* \* revenue act of 1918. Sections 211, 691-707 of Title 26, United States Code.

Page 20, lines 19-24. The act entitled \* \* \* export act. Sections 171-185 of Title 21, United States Code.

Page 21, line 15. The said acts of December 17, 1914, and May 26, 1922. Sections 211, 691-707 of Title 26 and sections 171-177, 184, 185 of Title 21, United States Code.

Page 21, line 18. The act of March 3, 1925. Sections 522-524 of Title 19 or sections 41-43 of Title 27, United States Code.

Page 21, line 21. The national prohibition act. Title 27, United States Code.

Page 22, lines 18-19. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 23, line 10. The act approved March 3, 1925. Section 523 of Title 19, or section 42 of Title 27, United States Code.

Page 23, line 19. The act of June 4, 1920. Section 943 of Title 34, United States Code.

Page 25, lines 12-14. The act entitled \* \* \*, June 10, 1926. Not in code.

Page 25, lines 16-18. The act entitled \* \* \*, June 10, 1926. Not in code.

Page 26, lines 15-16. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 26, lines 23-24. The act of December 17, 1914. Probably sections 691-696 of Title 26, United States Code.

Page 27, lines 3-4. The Treasury Department appropriation act for the fiscal year 1928. Not in code.

Page 28, lines 15-16. The act of August 4, 1886 (24 Stat. p. 227). Section 176 of Title 31, United States Code.

Page 28, lines 22-23. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 30, lines 3-4. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 31, lines 4-5. Section 16 of the act of February 5, 1917. Section 152 of Title 8, United States Code.

Page 35, lines 4-5. Sections 3 and 4, Chapter XV, of the act approved July 9, 1918. Sections 24 and 25 of Title 42, United States Code.

Page 35, line 21. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 37, lines 14-18. The act entitled \* \* \* March 4, 1927. Not in code.

Page 38, lines 19-20. Section 3, public buildings act approved May 25, 1926. Section 343 of Title 40, United States Code. Appendix.

Page 39, lines 6-7. The act of July 3, 1926. Not in code.

Page 39, lines 12-13. The act of June 25, 1910. Not in code.

NOTE.—The specific provision indicated was not located, but it is certainly not in the code.

Page 39, line 19. The act of July 3, 1926. Not in code.

Page 40, line 2. The act of July 3, 1926. Not in code.

Page 40, line 4. The acts of March 4, 1913, and August 11, 1913. Not in code.

Page 40, line 15. The act of March 4, 1913. Not in code.

Page 40, lines 16-17. Section 3, act of May 25, 1926. Section 343 of Title 40, United States Code. Appendix.

Page 40, lines 19-20. Section 5, public buildings act, approved May 25, 1926. Section 345 of Title 40, United States Code. Appendix.

Page 52, line 8. Act approved March 3, 1905. Not in code.

Page 53, lines 12-13. Section 5, public buildings act, approved May 25, 1926. Section 345 of Title 40, United States Code. Appendix.

Page 53, lines 15-16. Section 5, public buildings act, approved May 25, 1926. Section 345 of Title 40, United States Code. Appendix.

Page 53, lines 21-22. The act of July 3, 1926. Not in code.

Page 54, line 5. The act of July 3, 1926. Not in code.

Page 54, line 7. Section 5, act of May 25, 1926. Section 345 of Title 40, United States Code. Appendix.

Page 54, lines 9-10. The act of May 25, 1926. Sections 343 and 345 of Title 40, United States Code. Appendix.

Page 54, lines 21-25. The act entitled \* \* \* January 13, 1928. Not in code.

Page 57, line 24, to page 58, line 1. Section 6 of the act of May 30, 1908 (35 Stat. p. 537). Section 683 of Title 31, United States Code.

Page 60, line 1. The public buildings act approved May 25, 1926. Section 342 of Title 40, United States Code. Appendix.

Page 64, line 1. Sections 3749 and 3750 of the Revised Statutes. Sections 301 and 302 of Title 40, United States Code.

Page 64, line 7. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 64, line 13. The act approved August 4, 1919. Section 101 of Title 20, United States Code.

Page 64, line 16. The act of July 2, 1836. Not in code.

NOTE.—This act was repealed by Seventeenth Statutes, page 327, section 327.

Page 64, lines 23-24. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 65, line 3. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 65, line 10. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 69, line 16. The deficiency appropriation act, approved June 16, 1921. Section 392 of Title 5, United States Code.

Page 72, lines 20-21. The acts of April 21, 1902, and May 27, 1908. Section 423 of Title 39, United States Code.

Page 74, lines 11-12. Section 5 of the act of July 28, 1916. Sections 524-568 of Title 39, United States Code.

Page 74, lines 13-14. Section 214 of the act of February 28, 1925. Section 826 of Title 39, United States Code.

Page 76, lines 20-21. The act approved February 2, 1925. Sections 464 and 465 of Title 39, United States Code.

NOTE.—The amendment of June 3, 1926, is included in section 464 of Title 39, United States Code Appendix.

Page 78, line 2. The act of June 25, 1910. Section 760 of Title 39, United States Code.

Page 81, lines 17-23. The act entitled \* \* \* December 6, 1924. Not in code.

The Clerk read as follows:

The appropriation "Expenses of loans," contained in section 8 of the first Liberty bond act and in section 10 of the second Liberty bond act, as amended, which was made applicable by the act of June 16, 1921, to any operations arising in connection with any public debt issues made subsequently to June 30, 1921, is hereby made available for the payment of expenses of radio advertising in connection with any such issues or refunding operations.

Mr. BYRNS. Mr. Chairman, I make the point of order against the paragraph beginning on line 5 as legislation on an appropriation bill.

Mr. MADDEN. Mr. Chairman, I concede the point of order. The CHAIRMAN. The point of order is sustained.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: On page 12, after line 4, insert a new paragraph, as follows:

"For the payment of expenses of radio advertising in connection with public-debt issues and refunding operations in the public debt, \$10,000, to be immediately available, and to be payable from the appropriation, expenses of loan, act of September 24, 1917, as amended and extended."

Mr. BYRNS. Mr. Chairman, I make the point of order against the amendment upon the ground that it is legislation on an appropriation bill. I know of no law authorizing the use of the radio for advertising purposes, and the very fact that it is thought necessary to carry specific authorization in this bill shows on its face that it is legislation. The Secretary of the Treasury is given authority under the general statute to advertise, and he has so done heretofore. As a matter of fact, under the second Liberty loan he used the radio, but the hearings will show that the Comptroller General, while he permitted the accounts to pass, told him that hereafter he would not do it, because it was legislation and not authorized by law. I repeat, if it is not legislation, there is no necessity for carrying it in this bill. The fact that it is proposed shows that it is necessary to have legal authority for radio advertisement, and I insist on the point of order.

Mr. MADDEN. Mr. Chairman, the law which authorized the Secretary of the Treasury to issue bonds also provides that there may be set up an appropriation equal to a percentage of the total amount of the bonds, from which he is authorized to pay all "necessary expenses." On page 898 of the hearings the Chair will find the following language:

Section 10 of the act of September 24, 1917 (second Liberty bond act), which contained the second appropriation for "Expenses of loans," reads as follows:

"That in order to pay all necessary expenses, including rent, connected with any operations under this act, except under section 12, a sum not exceeding one-fifth of 1 per cent of the amount of bonds and war savings certificates and one-tenth of 1 per cent of the amount of certificates of indebtedness hereon authorized is hereby appropriated, or as much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct."

It is true that the Comptroller General ruled that the language of the act was not sufficiently comprehensive to admit of the use of radio in advertising for the refunding of the bonds that were outstanding, because he said—though I think it was not a very good reason—that it was a modern appliance. If a modern appliance can not be used, what shall we use? Then, on the other hand, if the Comptroller General ratified the use of it, by the fact that he passed the account for the expenditures

that had been made, but said "don't do it again," there must be some authority in the act. Where did he get his "television" that enabled him to decide that the law was good on one occasion, but would not be good later? One time he says there is law, and then he says there is not. Which decision shall we follow? What will my friend from Tennessee [Mr. BYRNS] do in that case? Is he going to follow the first ruling of the Comptroller General, where he authorized the payment of the bills, or the second ruling, when he said there would not be any future law for them. Undoubtedly there is law. The act provides that the Secretary of the Treasury is authorized to "pay all necessary expenses." What does that mean? I do not know how many of these bonds are out, but something over \$4,000,000,000, and I think some 65 per cent, or more, of them are in denominations of from \$50 to \$100 each.

Irrespective of that, I contend that this is just as much in order as any other item in the bill. Newspaper advertising and all kinds of other activities are paid under this indefinite appropriation. Merely because this is the radio, which reaches more people and costs less money to reach them than any other method, is no reason why the law is not good, especially since the law provides an appropriation, "in order to pay all necessary expenses" and "to be expended as the Secretary of the Treasury may direct." Shall it be said and agreed that we are violating the rules when we set apart, as this amendment proposes to do, \$10,000 out of any balance of the appropriation which was authorized under the one-fifth and the one-tenth of 1 per cent of the total amount of bonds? We are also limiting the power of the Secretary of the Treasury, rather than enlarging it, because we say to him that he can take only \$10,000 out of that indefinite sum for a given purpose. We contend the purpose is not only legal but legitimate and meritorious.

Mr. BYRNS. Mr. Chairman, my friend from Illinois [Mr. MADDEN] has asked me which ruling of the Comptroller General I am going to rely upon. He seems to be relying upon the second ruling, in which the Comptroller General held that expenses incurred in the radio advertisement were not authorized by law. As the hearings disclose, the facts are that this amendment was requested by the Undersecretary of the Treasury, and it is put into the bill at his instance, due to the ruling of the Comptroller General that, although they did advertise through the radio in June, 1927, since the expense was incurred and the bills had been paid, he would permit the account to pass, but with the express notice that there was no law to authorize it, and that any future radio advertisements would be disapproved. I submit that if the argument of the gentleman from Illinois is correct this is already authorized by law, and there is no reason to place the amendment upon this bill. If they already have the authority, why give the authority again in this bill? When the general law was passed the radio had not been developed. Hence Congress could not have had such advertisement in mind. This is why the Comptroller General held this kind of advertising not authorized by law and why it is deemed necessary to have the authority given in this bill. It is clearly legislation and therefore not proper on an appropriation bill.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. BYRNS. I yield.

Mr. MADDEN. It is merely because we want to spend it.

Mr. BYRNS. That is the reason offered by my friend a moment ago. My recollection is that the Undersecretary of the Secretary said it would cost \$4,400 or \$5,000, or something of that sort. But I submit, Mr. Chairman, in view of the statement of the Undersecretary, the real reason for this amendment is that it is necessary in order to permit the Treasury Department to advertise through the radio; and it seems to me that the very fact that the amendment is offered is a demonstration of that. There is no limitation on other forms of advertising. The gentleman from Illinois has not sought to make any limitation upon other methods of advertising that may be used by the Secretary of the Treasury which is authorized by law. It is rather strange that he would make an exception in favor of radio, if that be the fundamental reason for offering this amendment. I submit, Mr. Chairman, that the amendment is subject to a point of order and is legislation upon an appropriation bill.

The CHAIRMAN. The Chair is ready to rule. Section 8 of the act of April 24, 1917—first Liberty bond act—containing the first appropriation for "Expenses of loans," reads as follows:

That in order to pay all necessary expenses, including rent, connected with any operations under this act, a sum not exceeding one-tenth of 1 per cent of the amount of bonds and one-tenth of 1 per cent of the amount of certificates of indebtedness herein authorized

is hereby appropriated, or as much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

Section 10 of the act of September 24, 1917—second Liberty bond act—which contained the second appropriation for "Expenses of loans," contains practically the same language.

These sections have been continued and extended, and they are the law to-day, so that it seems to the Chair that the only question to be decided here is whether or not the words "necessary expenses" would warrant advertising through radio. It has been suggested that the Comptroller General has refused to recognize advertising through radio because that is a "modernism." I do not know that that is exactly the ground on which a ruling should be made here, but it seems quite clear that when this law was enacted in 1917, and continued by subsequent legislation, it was the purpose of the Congress to give to the Secretary of the Treasury the discretion to use the funds appropriated by the Government for all "necessary expenses" in carrying out the purposes of the act.

Now, is this a necessary expense? Who is to determine whether or not it is a necessary expense? It seems to the Chair that that discretion is lodged in the executive officer whose duty it is to carry out the purposes of the bill. The executive officer has found that radio is a modern means and method of advertising, and in his judgment it is a proper method to use in dealing with our debt obligations under the law above mentioned. The amendment offered here is in the form of a limitation. It limits the amount which may be expended for this particular purpose to \$10,000. There is nothing in the amendment which would tend to extend or broaden the statute. The provision which was stricken out on a point of order clearly attempted to construe a statute law. Therefore under the rulings of the House it was legislation upon an appropriation bill. The Chair therefore feels that in view of the circumstances and the decisions, the words "necessary expenses" are sufficiently broad to include the item of advertising by radio, especially when a limitation is placed in the amendment. The Chair therefore overrules the point of order.

The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. LINTHICUM. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present.

Mr. LINTHICUM. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is withdrawn.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### CUSTOMS SERVICE

For collecting the revenue from customs, for the detection and prevention of frauds upon the customs revenue, and not to exceed \$10,000 for the securing of evidence of violations of the customs laws, including not to exceed \$5,000 for the hire of motor-propelled passenger-carrying vehicles, \$18,940,000, of which such amount as may be necessary shall be available for salaries of general appraisers and justices of the United States Customs Court retired under the provisions of section 518 of the tariff act of 1922, and \$169,800 shall be available for personal services in the District of Columbia exclusive of eight persons from the field force authorized to be detailed under section 525 of the tariff act of 1922: *Provided*, That not to exceed \$10,000 of the total amount appropriated shall be available for advances to be made by disbursing officers when authorized by the Secretary of the Treasury, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding.

Mr. BANKHEAD. Mr. Chairman, I desire to reserve a point of order against the proviso in order to get some information from the chairman of the committee as to what this proviso covers and the reason for it. It is clearly legislation.

Mr. MADDEN. This proviso has been in the bill for a great many years. The \$10,000 referred to is for the purpose of advancing funds in special cases to get information upon which they can disclose violations of the customs law. The United States sends agents abroad to get advance information about smuggling, so that by the time the smuggler gets over here the authorities will have all the necessary information to make arrests.

Mr. BANKHEAD. Mr. Chairman, I withdraw the reservation.

The CHAIRMAN. The reservation is withdrawn. The Clerk will read.

The Clerk read as follows:

Refunding taxes illegally collected: For refunding taxes illegally collected under the provisions of sections 3220 and 3689, Revised Statutes, as amended by the revenue acts of 1918, 1921, 1924, and 1926, including the payment of claims for the fiscal year 1929 and prior years, \$132,000,000: *Provided*, That a report shall be made to Congress of the disbursements hereunder as required by such acts, including the names of all persons and corporations to whom payments are made together with the amount paid to each: *Provided further*, That no part of this appropriation shall be available to refund any amount paid by or collected from any manufacturer, producer, or importer in respect of the tax imposed by subdivision (3) of section 800 of the revenue act of 1924, or subdivision (3) of section 900 of the revenue act of 1921, or of the revenue act of 1918, unless the Commissioner of Internal Revenue certifies to the proper disbursing officer that such manufacturer, producer, or importer has filed with the commissioner, under regulations prescribed by the commissioner with the approval of the Secretary of the Treasury, a bond in such sum and with such sureties as the commissioner deems necessary, conditioned upon the immediate repayment to the United States of such portion of the amount refunded as is not distributed by such manufacturer, producer, or importer, within six months after the date of the payment of the refund, to the persons who purchased for purposes of consumption (whether from such manufacturer, producer, importer, or from any other person) the articles in respect of which the refund is made, as evidenced by the affidavits (in such form and containing such statements as the commissioner may prescribe) of such purchasers, and that such bond, in the case of a claim allowed after the passage of this act, was filed before the allowance of the claim by the commissioner.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 19, line 8, strike out the figures "\$132,000,000" and insert in lieu thereof the figures "\$130,000,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### BUREAU OF PROHIBITION

For expenses to enforce the provisions of the national prohibition act and the act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, as amended by the revenue act of 1918, and the act entitled "An act to amend an act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909," as amended by the act of May 26, 1922, known as "the narcotic drugs import and export act," including the employment of executive officers, agents, inspectors, chemists, assistant chemists, supervisors, clerks, and messengers in the field and in the Bureau of Prohibition in the District of Columbia, to be appointed as authorized by law; the securing of evidence of violations of the acts; the purchase of such supplies, equipment, mechanical devices, laboratory supplies, books, and such other expenditures as may be necessary in the District of Columbia and the several field offices; hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary; and for rental of necessary quarters; in all, \$12,729,140, of which amount not to exceed \$658,320 may be expended for personal services in the District of Columbia: *Provided*, That not to exceed \$1,350,440 of the foregoing sum shall be expended for enforcement of the provisions of the said acts of December 17, 1914, and May 26, 1922, and the Secretary of the Treasury may authorize the use by narcotic agents of motor vehicles confiscated under the provisions of the act of March 3, 1925, and pay the maintenance, repair, and operation thereof from this allotment: *Provided further*, That no money herein appropriated for the enforcement of the national prohibition act, the customs laws, or internal revenue laws shall be used to pay for storage in any private warehouse of intoxicating liquors or other property in connection therewith seized pursuant to said acts and necessary to be stored, where there is available for that purpose space in a Government warehouse or other suitable Government property in the judicial district wherein such property was seized, or in an adjacent judicial district, and when such seized property is stored in an adjacent district the jurisdiction over such property in the district wherein it was seized shall not be affected thereby: *Provided further*, That for purpose of concentration, upon the initiation of the Commissioner of Prohibition and under regulations by him, distilled spirits may be removed from any internal-revenue bonded warehouse to any other such warehouse, and may be

bottled in bond in any such warehouse before or after payment of the tax, and the commissioner shall prescribe the form and penal sums of bond covering distilled spirits in internal-revenue bond warehouses, and in transit between such warehouses.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment and make the point of order of no quorum.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twelve Members are present, a quorum. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: At the end of line 15, page 22, insert: "*Provided further*, That no money herein appropriated for the enforcement of the national prohibition act shall be used in the preparation or issue of any permit for the removal or use of any industrial alcohol known to be denatured by any poisonous drug or other material injurious to the human system."

Mr. MADDEN. Mr. Chairman, I reserve a point of order against the amendment, and I ask unanimous consent that debate on this paragraph and all amendments thereto be limited to one hour and that the time shall alternate between those opposed to the amendment and those in favor of the amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this paragraph and all amendments thereto be limited to one hour and that the time shall alternate between those opposed to the amendment and those in favor of the amendment. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, I have introduced this amendment for the purpose of prohibiting a custom which has grown up in the Prohibition Unit, which is called by Senator JAMES A. REED a most damnable custom, a custom which allows the Prohibition Unit to put poison in alcohol when they know that of the 60,000,000 gallons of industrial alcohol which was issued 6,000,000 gallons would go to the bootleggers and become the drink of the country. They poisoned this alcohol, and the consequence has been that in this country we have had 11,700 deaths from poisoned liquor, including that directly attributable to alcohol which was poisoned and by virtue of such poison caused death from cirrhosis of the liver.

Senator JAMES A. REED said to Doctor Doran:

Do you not think that it is a very wicked thing, when you know that 10 per cent of your products are getting out to the people, to put in poison or substances that are so subtle that people will drink them without knowing and destroy their health and life? Do you not think that it is about the nearest approach to murder that a man can commit? \* \* \* You put the poison in it, and you know that 1 drop out of every 10 is going to be drunk by some human being \* \* \*. You gentlemen are officers of the law, paid by the public, and you tell me that you take 60,000,000 gallons of alcohol and render it poisonous and of the 60,000,000 gallons, 6,000,000 gallons are going to be drunk by human beings, the effect being deleterious in some instances and poisonous in others. \* \* \* Now, even if this unfortunate creature who drinks knows that he is getting it from a bootlegger, are not you after all doing something that can not be justified in morals or anything else? \* \* \* I think you are poisoning the American people. I think it is wicked; I think it is infamous; I think it is damnable.

I do not propose to discuss the matter to any great length, but it seems to me that if there ever was anything done by this Government which has been most injurious to the people of the country it has been this habit of absolutely poisoning the alcohol which it was known would get into the hands of people who drink liquor, and when the Prohibition Unit knew that 6,000,000 gallons of this denatured alcohol, poisoned under the authority and with the permission of the Government, would get into the hands of people who would drink the same.

I am not talking about the enforcement of the Volstead Act, because I think there are other ways in which it can be enforced. This amendment only prohibits the issuance of any permit which allows the distribution or withdrawal of industrial alcohol which is poisoned or which has some drug in it that is injurious to the human system.

Statistics for 1926 showing a startling increase in the death rate from alcoholism and from cirrhosis of the liver, a disease attributed to alcohol, have just been made public. Not only do they indicate the constantly increasing use of liquor under the Volstead Act but they indicate an increasing one of poisoned liquor. The figures obtained from the United States Bureau of the Census show that in virtually every State, whether called "wet" or "dry," the death rate has been mounting.

Between 1914 and the taking effect of the Volstead Act, January 17, 1920, there had been a steady decrease in the number

of deaths from alcoholism until the rate then stood at 1 per 100,000. In 1926, the last available figures just made public, it had risen to 3.9 per 100,000, or practically four times greater. In 1920 the rate of deaths from cirrhosis of the liver was 6.2; in the figures for 1926, just made public, it was 7.5, many of which deaths were caused by poisoned liquor.

The seriousness of this subject was recognized by the conference of State health officers, which met in Washington last May, and it was proposed that a commission of experts be named to study conditions from the standpoint of public health, but the United States Public Health Service, which is a bureau in the Treasury Department, which in turn is responsible for prohibition enforcement, opposed it and it was not adopted.

Certainly the death in one year of 11,700 persons from alcohol and its poisonous ingredients should receive even the sympathy of prohibition fanatics.

When we try to humanize this Volstead Act we are falsely accused, but the work will continue until this great question is rightfully decided.

I went into a discussion of this whole question yesterday, and I hope I brought out clearly why I think the Volstead Act should be modified. But no question about modification is before us at this time. There is no question as to whether you believe in prohibition or whether you do not believe in prohibition. There is no question as to whether you believe in temperance or do not believe in temperance. The great question before you to-day is whether you believe in the enforcement of the act by poisoning the liquor which is bound to get into the hands of the people and when the Government knows that 6,000,000 gallons will eventually reach them. Ten thousand gallons of poisoned alcohol mean 80,000 quarts of gin and it means 120,000 quarts of whisky. So when you poison 10,000 gallons of alcohol you poison 80,000 quarts of gin and you poison 120,000 quarts of whisky. You can from this calculate just what it means when 6,000,000 gallons of alcohol is consumed.

It is for this committee to say as to whether it approves of our Government poisoning people through this denatured poison when some other denaturant can be used which does not poison the human system, causing death or ill health.

Mr. WELLER. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. WELLER. Have the gentleman's studies with reference to poisoned liquor led him to any figures or statistics with reference to the whisky and alcohol sold by drug stores under permit?

Mr. LINTHICUM. I can say to the gentleman, as I said in my speech yesterday, that the liquor consumed in this country costs about \$2,807,000,000 for bootlegged and moonshine goods. I do not know how much liquor sold in the drug stores is consumed. Much liquor is kept in the drug stores and sold on prescription. It is quite a vast quantity, but I have not been able to get any figures upon it.

Mr. SIROVICH. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. SIROVICH. Will the gentleman kindly tell the House the quantity and the character of the drugs or poisons that are put into liquor by the Government?

Mr. LINTHICUM. I am not informed as to the quantity or character of poisons they put into it, but I know it was admitted by Doctor Doran that 6,000,000 gallons of poisoned alcohol went into the hands of those people who drink it.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BLACK of Texas. Mr. Chairman, I make the point of order against the amendment upon the ground that while the language of the amendment is in the form of a limitation that really it amounts to the enactment of a new legislative policy, and that is not permissible under the rules of the House on an appropriation bill.

Supporting the point of order, I would cite the Chair to a brief statement of a decision rendered by Chairman LUCE on January 8, 1925, reported in paragraph 825 of the Rules of the House as contained in the manual. Mr. LUCE, the Chairman, in that decision said:

In construing a proposed limitation, if the Chair finds the purpose to be legislative, in that the intent is to restrict executive discretion to a degree that may be fairly termed a change in policy rather than a matter of administrative detail, he should sustain the point of order.

The present Volstead Act contains a provision that permits the issuance of permits for the use of alcohol for industrial purposes, but it also demands that such industrial alcohol shall be denatured so that it will be unfit for use for beverage purposes. If the amendment that is now pending should be enacted, practically that part of the Volstead Act would be

repealed and the Secretary would not be able to issue permits for alcohol to be used for industrial purposes. He would have to scrap all of his formulas for denaturing alcohol. I submit, if the amendment is adopted it amounts to the enactment of a legislative policy and therefore is in contravention of the rules of the House.

I make the point of order upon that ground. It is really tantamount to the enactment of a new legislative policy and is not a limitation on an appropriation bill in the sense that limitations are in order.

Mr. LINTHICUM. Mr. Chairman, only a few days ago the question was up whether we could put a limitation on a bill prohibiting the Government or the War Department from transporting troops into foreign territory. My amendment is very similar to that amendment then proposed and which was ruled in order by the Chair at that time. That, also, if passed, would have changed the policy of the National Government, especially the policy of the present administration, because it is transporting troops into foreign territory. It is supplying troops in foreign territory, and the adoption of that amendment, which was ruled in order by the Chair, would have changed the whole policy of the present administration upon that subject. Now, the policy which we propose to change is the policy of poisoning American citizens by inserting poisonous drugs in industrial alcohol which is issued under these permits. If the amendment which was ruled in order the other day, and which was a limitation, was proper then, certainly this amendment is proper now.

Mr. BLACK of Texas. Mr. Chairman, I just wish to say in reply to some of the things which have been said that the purpose of these permits is not to permit alcohol to be withdrawn for beverage purposes but for industrial purposes. There is nothing before the House as a scientific fact that we may know that it is possible to really denature alcohol without putting something in it that is harmful or poisonous to the human system. Certainly you would not denature alcohol by flavoring it up so as to make it pleasant for the human taste. It is probably not possible to denature alcohol without putting into it some unwholesome substance; and yet if this amendment is enacted the whole legislative policy would be changed; and it might be beyond the possibilities to permit alcohol to be withdrawn for industrial purposes.

Mr. LINTHICUM. Mr. Chairman, the facts are that Doctor Doran, who is now in charge of prohibition enforcement, stated that 60,000,000 gallons of industrial alcohol is withdrawn every year. He also stated that he knew that 6,000,000, or 10 per cent thereof, is used for beverage purposes in this country. He stated it was all poisoned, and Senator REED called it a most damnable act to poison American citizens. I do not know that this amendment will change the policy of the Government, but if it is the policy of the Government to poison American citizens, it ought to be changed, and that is the purpose of this amendment. The gentleman from Texas [Mr. BLACK] the other day voted for the amendment which prohibited the National Government or the War Department from transporting troops into foreign territory. This amendment is on all fours with that.

Mr. BLACK of Texas. Oh, that is not a change of legislative policy.

Mr. LINTHICUM. That would have changed the whole policy of the Government.

Mr. BLACK of Texas. No; there is no legislative policy that authorizes the President to send American troops into a foreign country.

Mr. LINTHICUM. And there is no legislation that authorizes the Prohibition Bureau to poison American citizens, but they do it just the same, and they kill thousands more people than they do in Nicaragua.

Mr. BLACK of Texas. Oh, well, of course they do not do that.

Mr. LINTHICUM. They do do it.

Mr. BLACK of Texas. There is a law that authorizes the Prohibition Bureau to issue permits for industrial alcohol and the affirmative requirement is that it be denatured.

Mr. LINTHICUM. And the Prohibition Bureau passes upon the substance through which it is to be denatured, because I talked to them and they told me that themselves.

Mr. LEHLBACH. Mr. Chairman, with reference to the point of order, of course we understand that with the merits of the proposition we have nothing to do. Whether a limitation on the expenditure of an appropriation changes the policy of the Government, by prohibiting or preventing through lack of money for that purpose a course of action which the Government has heretofore pursued, has nothing whatever to do with the determination of the question. An amendment is simply a

limitation if the money hereby appropriated may not be spent for a certain specific purpose. If that is all the amendment does, it is a limitation.

This proposed amendment does not impose new duties on any official of the Government. It does not vest any official of the Government with discretion that he at present has not. It does not change a substantive law on any subject. It merely says that the money herein appropriated shall not be spent for this purpose, which is a clear purpose that requires no discretion, no affirmative administrative action to ascertain its application, or anything of that sort. Therefore it is clearly a limitation and in order.

Mr. CRAMTON. Mr. Chairman, the gentleman from New Jersey is not quite correct. The amendment that has been proposed, it is true, does not vest any official of the Government with a discretion he does not have now. It does not add any discretion which officials of the Government do not now have, but it does, on the contrary, take away a discretion which they do have.

Mr. LEHLBACH. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. LEHLBACH. Does not every limitation take away from an official the discretion to spend the money?

Mr. CRAMTON. The limitation may properly take away from the official the opportunity to spend the money, but the limitation, to be in order, must not change the law under which he must act in the performance of his official duties. Under the law the Commissioner of Prohibition is required to pass upon applications for permits for the withdrawal of certain alcohol for industrial use. In order to protect the use of that alcohol, in order that he may perform his duty and be sure that the alcohol is used not for beverage purposes but only industrially, he has the authority to require certain ingredients put in the alcohol, and certain formulas are submitted to him and approved by him.

This amendment does not say that he may not use any money in passing on applications for permits. If that were the amendment, however unwise it might be, it would be parliamentary—if the amendment read, "none of this money shall be used in the supervision of the issuance of permits," that would be parliamentary and in order.

Instead of that it says that he can use this money only in issuing permits for certain kinds of alcohol, permits for the use of industrial alcohol according to certain formulas. Now, that is a change of substantive law. It limits the discretion of all officials, and under our rules a limitation may not limit the discretion of officials or add to their discretion or place new duties on them. It is clearly, Mr. Chairman, not in order under the rule as to limitations.

Mr. LEHLBACH. Will the Chair indulge me a few more words?

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. LEHLBACH. All the amendment does is to say to the official you may not spend this money to secure the placing in industrial alcohol poisonous or other injurious substances. It does not vest them with discretion. Every inhibition to spend money takes away from the official the discretion of spending the money for that purpose. All this limitation does is to say you can not exercise your discretion in the use of poison in alcohol.

Mr. HOCH. Mr. Chairman, if I understood the reading of the amendment the latter part says—will the Chair give me the latter part of the amendment?

The CHAIRMAN. The amendment reads:

*Provided further,* That no money herein appropriated for the enforcement of the national prohibition act shall be used in the preparation or issue of any permit for the removal or use of any industrial alcohol known to be denatured by any poisonous drug or other material injurious to the human system.

Mr. HOCH. It is the latter part that I have reference to. I concur in the argument made by the gentleman from New Jersey with the possible exception of the last few words, "injurious to the human system." If it said which contains some particular substance so there would be no exercise of judgment I think it would be simply a limitation on the expenditure of this money and therefore in order under the rule. But if it imposes a duty on the officials to go into a chemical examination or analysis to determine whether certain substances are injurious to the human system then I think this goes beyond a mere limitation and imposes a new duty on the officials.

Mr. LEHLBACH. Mr. Chairman, in answer to the gentleman from Kansas I wish to say that if it required study, if it required analysis, if it required any protracted labor or examination to ascertain what is injurious to the human system

there might be some merit in the argument of the gentleman from Kansas. But any child of reasonable intelligence who goes to a grammar school knows that the substances used to denature alcohol are injurious to the human system.

Mr. HOCH. Mr. Chairman, I am not sure that the gentleman states a fact when he says that there is no question about the things that are injurious to the human system. There might be, and probably is, a great difference of opinion in respect to that. In fact, the gentlemen who are urging this amendment claim that alcohol itself is helpful to the human system, while others assert that it is injurious. An amendment to an appropriation bill, offered as a limitation, must clearly come within the rules of the House in order to make it in order as a limitation. It seems to me that the latter part of this amendment does place a new discretion and a new duty upon an administrative officer. In other words, it would not be a clear case of whether this money was to be spent or not. In order to bring it within the rule of limitation it must be a case so clear that the administrative officer will have no question whatever as to whether this money should be expended for that purpose, and as soon as it is not clear, and he is compelled to determine something, then I think we have gone beyond the rules of the House as to limitations, and have imposed upon this administrative officer a new duty.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. LINTHICUM. The gentleman, of course, is aware that all of these denaturants are passed on by the Prohibition Unit before they are used, and they know just what drug or other material is used in every bit of industrial alcohol for which they issue permits; so that it is a knowledge they already have.

Mr. HOCH. They know what drug is used, but the question of whether it is injurious to the human system is another matter.

Mr. LINTHICUM. Any medical encyclopedia would tell them what the effect of the drugs are.

Mr. BLACK of Texas. Mr. Chairman, I would like to make this one more observation. We must recognize that we are not dealing with medicinal liquors in this pending amendment. Medicinal liquor is prescribed by a physician. Under the Volstead Act the Prohibition Unit has the right to issue permits for the use of industrial alcohol, but must require that it be denatured. Naturally the Prohibition Commissioner, from humane motives, undertakes to prescribe formulas that will be as little harmful as possible to the human system if the alcohol be unlawfully diverted to beverage purposes. He does that, of course, because he recognizes that some unfortunate may get hold of the liquor and drink it, and he naturally uses all of the scientific knowledge that is at his command in order to prescribe formulas that will not be harmful to the human system. But if we adopt this amendment it will then become the affirmative duty of the commissioner, if he issues these permits for industrial alcohol, to make an exhaustive research to see that any formula used will not be harmful to the human system. It must be remembered that we are dealing with industrial alcohol and the law requires that it be denatured. To denature alcohol does not mean to flavor it up with vanilla extract or other pleasant-tasting flavors. That would not be denaturing alcohol, but would be making it pleasant for beverage purposes.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. O'CONNELL. Why should he not make an exhaustive investigation?

Mr. BLACK of Texas. He does, but you might by this sort of a limitation put it beyond his powers to issue any permit for industrial alcohol.

Mr. O'CONNELL. I think we are putting it within his power to do it by that amendment.

Mr. CRAMTON. Mr. Chairman, from a hurried reference to the Volstead Act there is a requirement in section 2 of Title III that—

Any person hereafter establishing a plant for the production of alcohol shall likewise before operation make application, file bond, and receive permit.

Again, in section 11 of the same title, under "tax-free alcohol," there is a provision that any person permitted to obtain alcohol tax free, except the United States, and so forth, shall first apply for and secure a permit to purchase the same and give the bonds described under Title I, but alcohol withdrawn for nonbeverage purposes for use of the United States, and so forth, does not apply.

It is made the duty of the Commissioner of Prohibition to issue a permit for the use of alcohol for nonbeverage purposes. This amendment limits the discretion of the official in performing that duty. If the amendment should provide that this

money could be used for passing upon applications for permits, that would be a proper limitation, so far as the parliamentary situation is concerned, but when they go further and say that the Commissioner of Prohibition must continue to pass on those applications for permits and that in passing on them he shall not have the authority he has heretofore had, he shall not be permitted to require certain formulas to be used, certain denaturants to be used, but must permit only the use of such denaturants as he holds are not injurious if used as a beverage, he is immediately called upon and forced to exercise a determination as to whether or not they are injurious. You will put that new duty upon him to determine whether that which is used in order to prevent the use of alcohol for beverage purposes is going to be noninjurious if used for beverage purposes. It adds a new responsibility and it takes away a wide discretion that he now has.

The CHAIRMAN. The Chair, of course, has had no opportunity to make any investigation of this matter other than the arguments presented on the floor. Those arguments, of course, present different views and are far from satisfying. Each of the eminent parliamentarians discussing the matter is thoroughly satisfied that he is absolutely correct in his deductions. The Chair has no such certainty of opinion. However, at first blush the Chair believes that this amendment is a limitation, such a limitation as is permitted under the rules and precedents of the House.

It does not require an investigation; it does not interfere with the discretion of an officer; nor does it necessarily change a policy. A limitation merely provides that the money appropriated may not be used for a certain purpose, whether that purpose changes a policy or nullifies an act. It is a restriction upon the use of the money. That is all that this amendment does.

As to whether or not it interferes with the discretionary power of the enforcement officer of the prohibition law to such an extent as to change the policy of the department is another matter, but the Chair feels that the enactment of this amendment would not change the policy. So far as an investigation being necessary on the part of the enforcement officer is concerned, the Chair finds the language to be, "shall be used in the preparation or issue of any permit for the removal or use of any industrial alcohol known to be denatured by any poisonous drug or other material injurious to the human system," and the Chair does not feel that that would require an investigation, an extensive investigation, on the part of the enforcement officer. It does not appear that additional duties are imposed upon an officer. It provides how this money shall be expended. Regardless of the Chair's opinion as to the merits of the amendment, he feels constrained to overrule the point of order.

The question is on agreeing to the amendment.

Mr. MEAD. Mr. Chairman, I desire to take the time of the House for a few moments, first of all, to answer a statement advanced by the gentleman from New York [Mr. LaGuardia] a few days ago which reflected upon the fair name of the city of Buffalo, N. Y., and also to say something about the great problem that we have along the Niagara frontier, which, in my judgment, is very germane to this section of the bill making appropriations for the regulation of the importation and exportation of intoxicating liquors. The gentleman [Mr. LaGuardia] stated—to use his exact language I read from the RECORD:

The sad feature about this is that a close investigation of this office—to which the gentleman refers—will find several agents of the Government going there at stated intervals; that breweries in New York City, Kingston, in Poughkeepsie, in Westchester County, and also in Erie and Monroe Counties, operate through this clearing house.

Now, my friends, that is not true. I deny that there are any breweries operating illegally in Buffalo. I deny that there is any protection given to breweries in my particular section of the country. Let me read to you a statement from the Buffalo Evening News of Wednesday, February 1, the day before the gentleman made his charges:

One hundred and sixty thousand dollars in beer to be destroyed—Ontario's new law spolls "near-beer" trade here, so East Buffalo brewery will quit business.

Talking about the sad features, that certainly is the sad feature.

Five thousand barrels of beer, all of preprohibition strength, will be destroyed by dry agents, acting in conjunction with employees of the Ebbco Beverage Co., operators of the \$400,000 East Buffalo brewery in Emslie Street, near Williams Street, as the result of the decision of the officers of the company Tuesday to surrender the corporation's cereal beverage permit and retire from the brewing business.

This company has been in business for 60 years, and prior to prohibition occupied an outstanding position in the brewing industry. Employees were given written notice to-day of the discontinuance of the business.

With Ontario breweries providing good standard beer and ales, the market for prohibition near beer in the Buffalo area has diminished almost to the vanishing point, and that fact and the constantly increasing regulation to which cereal beverage manufacturers are subjected by the Prohibition Department are assigned by officers of the company as the governing reason in their decision to retire from the cereal beverage business.

It is useless for us to attempt further competition when Canadian breweries are all making brews of proper strength—with emphasis on the word "proper."

Now, my friends, prohibition in this country and temperance or personal liberty in Canada makes this international problem a most serious one. With New York, on one side of the Niagara River, as dry as the Sahara Desert, and Ontario, just across the river, as wet as the river that separates us from that land of promise, we find a great and serious situation developing day by day; so much so that some patriotic citizens decided to build a great concrete bridge that would connect the city of Buffalo with the Dominion of Canada and bring us closer together in friendship, in spirit, and perhaps in spirits. [Laughter.]

This bridge was dedicated on the 4th day of July, the day we celebrate our independence—save the mark—and on that great day the Prince of Wales and many other princes of good fellows joined in dedicating that wonderful structure. Thousands of people crossed the bridge that day into the moist Province of Canada, and when many of them returned they were as unconstitutional as any good quart of Scotch ever happened to be. [Laughter.]

When the discussion came up about the building of this great bridge some people complained because of its cost. It was to cost in the neighborhood of \$5,000,000. But many of them, who have since used the bridge, say it is worth a hundred millions. [Laughter.] Others contend that it would have been better for this country to have built a pipe line, with one end of it open in the city of Buffalo. [Laughter.]

Astounding statistics on the continued growth of Canadian liquor exports to the United States, despite United States dry laws, have just been compiled at the Canadian capital. They show an increase of over \$2,000,000 in the 1927 Canadian-United States booze business over the 1926 figures.

Whisky exports from Canada to the United States—here are the monthly totals for the two years 1926 and 1927:

	1927	1926
January.....	\$1,774,533	\$1,241,013
February.....	1,112,825	1,056,629
March.....	1,699,928	1,616,213
April.....	905,684	790,581
May.....	1,342,754	749,156
June.....	1,696,680	1,382,308
July.....	1,228,577	1,216,474
August.....	1,407,055	1,119,205
September.....	1,718,685	1,490,002
October.....	1,625,713	1,459,272
November.....	1,603,392	1,774,784
December.....	1,600,000	1,579,343

In addition to the above big totals, there were exported from Canada to the United States during 1927 foreign liquors to the value of \$2,500,000, as compared with \$1,183,533 in the corresponding period in 1926, and also some \$6,000,000 worth of beer, gin, and other beverages.

CANADA EXPORTS \$26,000,000

The monthly comparisons of Canadian booze shipments to the United States will show that there was an increase over every corresponding month of 1926, excepting in November, when, for some reason—probably a brief period of activity by preventive officers—the month's total showed a decline of about \$170,000 over November of 1926.

The same Government compilations provided an eye opener for Canadians in another respect, and that was that the dominion is spending about \$1,000,000 a week on alcoholic beverages. The domestic production of whisky, gin, beer, and other strong drinks amounts to \$40,000,000 per annum. And Canada has imported during the 12 months of 1927 another \$40,000,000 worth. Of the total quantity Canada exported to the United States and other countries \$26,000,000 worth, keeping \$54,000,000 worth to quench the thirsts of its own 9,000,000 people.

Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. MADDEN. Mr. Chairman, I object. Of course, if this is to be taken out of the 30 minutes given to those in favor of the amendment, I shall not object.

The CHAIRMAN. The time will come out of the 30 minutes given to those in favor of the amendment.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. I understood I was to control 30 minutes of the time and that the gentleman from Illinois was to control 30 minutes of the time. I wish to say that I have two requests for time, and I ask the Chair to bear that in mind.

The CHAIRMAN. The Chair will recognize gentlemen for five minutes. Any additional time must be gained by the unanimous consent of the committee. The Chair again states: Is there objection to the request of the gentleman from New York that he may proceed for five additional minutes?

Mr. CRAMTON. Mr. Chairman, let us understand. That would be a part of the 30 minutes?

The CHAIRMAN. That would be a part of the 30 minutes in favor of the amendment. Is there objection to the request of the gentleman from New York.

There was no objection.

Mr. MEAD. Connecting up my story, I want to say that the problem which confronts us along the Niagara frontier is due, of course, to the fact that Canada has repealed prohibition and substituted Government control, with the result that the citizens of the United States, taking advantage of the situation, journey over to Canada in large numbers.

On the Canadian side of the river, on what was formerly mere pasture land, there is in the building a great city, 25 miles in length. They are constructing club houses, building athletic institutions, summer homes; in fact, a great city is being built, to the economic loss of our side of the river and the enrichment of the wise Province of Ontario.

As an example, here is an invitation that came to me a few days ago from a newly formed Country Club in Canada:

JAMES M. MEAD, Esq.

DEAR SIR: There will be a social for the members, their families, and friends Sunday, February 12, from 2.30 p. m. to 12 m.

Try and come over and have a real day's enjoyment in our new clubhouse—

And so forth.

Many of these clubs are being formed over there for the accommodation of our citizens, and I want you to know the hospitality of our Canadian friends is unbounded. On one occasion a Buffalonian went over there to get a permit to buy his ration of liquor. When asked where he lived he was a little reluctant as to whether he ought to tell a lie and give a Canadian address. The clerk in the store actually thought of an address and gave it to him. So, my friends, they have the welcome sign out for Americans all the time, and while we are trying to hinder Canadians from coming into our country by our strict enforcement of the immigration laws, they are welcoming Americans by the thousands into their country. In that they are as wise as we are stupid.

The Ontario Tourist Bureau is pleased to report that for the past season tourists entering the Province by automobile spent something over \$40,000,000, an increase of 48 per cent over 1926. Wet now.

Included in the expenditure is \$80,600 for liquor licenses. How much was spent for the liquor obtained with the licenses is not given by the bureau, but a statistician on the outside figures that it might reach the full total of expenditures given by the bureau.

All together about \$300,000 went into the imperial treasury from the visitors from this side the line.

Ontario is a beautiful country and it has some fine fishing grounds. There are beautiful spots in the United States, too, and some excellent fishing is to be had without going so far afield; but the fishing on this side, notwithstanding the eagerness of the trout to bite, is rather dry compared to that in Ontario, so New York must grin and bear it.

Ontario stands for national decency, for honesty, public integrity, and a high standard of morals, while hypocrisy, deceit, lawbreaking, and debauchery is rampant under prohibition in our land.

The CHAIRMAN. The gentleman from Michigan [Mr. CRAMTON] is recognized for five minutes. [Applause.]

Mr. CRAMTON. Mr. Chairman, this amendment vitally involves the enforcement of the eighteenth amendment to the Constitution. More than that, I have the word of Doctor Doran

that it involves the prosperity of many great industries in this country.

It is interesting to me to see what the policy is to be of the wet bloc in the House as presented by its newly chosen leader, the gentleman from Maryland [Mr. LINTHICUM]. The policy of our other friend from Maryland, John Philip Hill, was to destroy the eighteenth amendment by authorizing beer and wine, but it is apparent that the gentleman from Maryland [Mr. LINTHICUM], the new leader, has on his banner, "Hamstringing enforcement in any way we can do it."

Now, on yesterday the gentleman from Massachusetts [Mr. GALLIVAN] announced his implicit confidence in Doctor Doran, the Commissioner of Prohibition. That is the only thing my friend from Massachusetts ever said on this question with which I agree entirely with him. I have implicit confidence in Doctor Doran, and this House has implicit confidence in him. Doctor Doran has the responsibility of enforcing the law, and it is beneath the dignity of Members of this body to attempt to take steps which are only intended to destroy the work of enforcement. Doctor Doran is the man who has the responsibility. Every Member of this House ought to be behind him in his efforts to enforce the law. What does Doctor Doran say about this amendment? I just called him on the telephone. I read the amendment to him. What does Doctor Doran, who has the responsibility, who has studied the question, who is the chemist who had to do with these formulas before he became Prohibition Commissioner, say about the proposed amendment? He says:

It would not only be destructive of enforcement, it would be destructive of industries as well; it is so far-reaching as to be nothing but nonsensical.

Doctor Doran tells me there are 95,000,000 gallons of alcohol lawfully used in industry, great industries already built up, and there is a constant increase in its lawful use. If this amendment goes through, he says that tremendous industries will immediately be destroyed because they will not be able to get the kind of alcohol they need in their industry. I hope even my friend from Maryland [Mr. LINTHICUM] would not desire to destroy, hamper, and interfere with great industries, even if he is willing to destroy enforcement of law.

This amendment provides that there can be no permit for the issuance of industrial alcohol denatured by any poisonous drug. Doctor Doran tells me that there is no industrial alcohol now issued but what is denatured by some denaturant that would be injurious if used for beverage purposes. So the amendment would say that no permit could be issued for the issuance of industrial alcohol denatured in any way, because—

Mr. LINTHICUM. Will the gentleman yield?

Mr. CRAMTON. Yes; I will yield.

Mr. LINTHICUM. I want to ask the gentleman a question. The statistics show that 11,700—

Mr. CRAMTON. Just put the question. I do not care for the debate.

Mr. LINTHICUM. I can get to it quicker in this way.

Mr. CRAMTON. I am sorry, but I can not yield except for a question.

Mr. LINTHICUM. I want to ask the gentleman if he is in favor of using poison to denature industrial alcohol and thereby murder the people of this country?

Mr. CRAMTON. Since I want to see the law enforced, and the greatest good to the greatest number will come through enforcement of the law, I am willing to have used as a denaturant that which it is necessary to have used in order to make it effective. [Applause.]

Mr. LINTHICUM. Even poison?

Mr. CRAMTON. And when one draws this for one purpose and unlawfully uses it for another he has full notice; and Doctor Doran states there is no denaturant now used that would not be forbidden under this proposed amendment.

Adoption of the amendment, I will say to the committee, therefore only means one of two things: Either no permits are to be issued, or there must be a free use of alcohol without any denaturant whatever. This would, on the one hand, destroy utterly enforcement of the eighteenth amendment, and, on the other hand, would cripple and destroy many great industries.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LAGUARDIA, Mr. SIROVICH, and Mr. PALMISANO rose.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman and gentlemen, I am as "wet" as any man in this House, and I have been consistently opposing prohibition, but there is only one way to do it and that is by constitutional or legislative methods. You can not do it in any other way.

Denatured alcohol is nothing new. You had denatured alcohol before you had prohibition and if a "wet," so-called, desires to take the attitude that our function here is to get "hooch" made of colored raw alcohol on the market, then you can consistently vote for this amendment; but this is not going to hasten but retard the day when Congress will have to deal with this subject intelligently, constructively, and basically.

What we, as "wets," ought to do, gentlemen, is not to offer an amendment of this kind, but insist upon the Prohibition Bureau having sufficient men, appropriating enough money so that not one ounce of denatured alcohol can find its way into channels where it will be used for beverage purposes.

Mr. LINTHICUM. Will the gentleman yield?

Mr. LAGUARDIA. Yes; I yield.

Mr. LINTHICUM. I want to ask the gentleman what he estimates that would cost the Government.

Mr. LAGUARDIA. That is just my point. That is the attitude I have assumed. If the American people want prohibition, if our friends the "drys" here are sincere, it will cost them anywhere from \$200,000,000 to \$250,000,000.

Mr. O'CONNELL. And then they will not enforce it.

Mr. LAGUARDIA. And then they can not enforce it, and then the American people, I will say to the gentleman from Maryland, will realize that this law is humanly impossible of enforcement; but this nibbling at it by ineffective amendments will in no way help the cause.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. LAGUARDIA. No; I do not yield to the gentleman from Florida. Florida is so happily situated near the West Indies that you get all the pure liquor you want and it is hypocritical to take any stand as to law enforcement.

Mr. GREEN of Florida. Florida will always take the stand of upholding the laws of our Nation and the integrity of those laws.

Mr. LAGUARDIA. And there are more prohibition law-breakers in the gentleman's State, in proportion to population, than there are in my State.

Mr. GREEN of Florida. I do not think the gentleman can prove that.

Mr. LAGUARDIA. Oh, I have been down to Miami.

Mr. GREEN of Florida. I hope the gentleman goes there and stays there, I will say to my friend. [Laughter.]

Mr. LAGUARDIA. Now, gentlemen, what we ought to do here is to add \$50,000,000 a year to this appropriation and to create a force that will go into every State. I pointed out here the other day that we have about 2,034 agents.

That would not permit even 10 to 1 in the largest 250 cities in the United States. Do you not see that the law is only being partially, locally enforced here and there. It is hardly being enforced in the so-called dry States. We will get nowhere until we bring the facts right home to the American people. Until we so enforce the law and dry up the dry States, and it will cost hundreds of millions of dollars.

Mr. GRIFFIN. Does the gentleman recommend us to vote against this amendment?

Mr. LAGUARDIA. Yes.

Mr. CAREW. Does the gentleman intend to vote against it?

Mr. LAGUARDIA. Yes; I am going to vote against it; I am here not to facilitate the bootlegger; I am here to seek a change in the law by constitutional and legislative means. [Applause.] That is my attitude, and I stick to it. I do not care if all of the bootleggers in New York are opposed to me; the gentleman can have them if he wishes. [Applause.]

Mr. BLANTON. Mr. Chairman, naturally I am opposed to this wet amendment. This is only the annual fight that the so-called wets make against the enforcement of the law. Since the rider of the great white charger from Baltimore has disappeared from the scene of battle his mantle has fallen on the shoulders of another gentleman from Maryland, our distinguished friend [Mr. LINTHICUM].

There was offered in their last fight on the floor by one of the most distinguished Members of Congress, who was specially selected for the purpose, the distinguished gentleman from Virginia, HENRY ST. GEORGE TUCKER, who was formerly president of the American Bar Association, an amendment that would absolutely tie the hands and feet of every prohibition-enforcement officer in the land, and the House by an overwhelming vote defeated it.

What does our friend from Maryland [Mr. LINTHICUM] want to do about this lawless liquor? Does he want to make it so

palatable to the taste that everybody will want to drink it? What does he want to do with this lawless stuff? He has taken an oath to uphold and support and defend against all enemies foreign and domestic against this Constitution, and what does he now want to do about it? Does he want to make this liquor so that it will be an inducement, a special temptation to people to violate the law?

Why, before the constitutional amendment was passed, before Volstead was ever heard of, there was poison placed in denatured alcohol. The time now is no different from the former times in that respect. The Government is doing what it has been doing for years, and I am glad to see the distinguished now orthodox Republican, my friend from New York, Mr. LAGUARDIA, oppose this amendment; he is in favor of the law and will endeavor to defend the fundamental law of the land.

This amendment is ridiculous. It will get a few more votes than the Henry St. George Tucker amendment, because some will justify their vote from a sentimental standpoint, from a humanitarian standpoint, and say that we do not want some poor fellow to get hold of poison. Why, my friends, they can drink numerous other poisons now if they want to; there are lots of poisons procurable in drug stores, if they want deliberately to drink it. They know that denatured alcohol is poison. Have the citizens of this land become so helpless that they have to have Grandmother LINTHICUM, from Maryland, walk around with them to protect them from poisoned alcohol? [Laughter.] Do they have to have special laws and protection from the wets of the country to keep them from drinking this injurious alcohol? You will get a few more votes. There is one thing about the wets, however, that I like, and that is that they never give up, even when engaged in a hopeless cause. They have got their full forces here now. The gentleman from New York [Mr. GRIFFIN] is here to help them on this momentous occasion. I see that they have their full membership here, but when the vote is counted they again will have only a handful and yet they come back month after month and year after year to continue their hopeless battle.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIROVICH. Mr. Chairman and fellow Members of the House, for almost a quarter of a century I have been in the practice of medicine.

Never have I participated in the drinking of any alcoholic beverages. In my opinion the use of liquor has never destroyed the lives of human beings, but the abuse of it has. Moderation has been my precept in every form of indulgence. In my humble opinion the greatest evil of this country to-day is overindulgence in every line of endeavor. Thus we have two patent examples of overindulgence—drunkenness swinging the pendulum to one apex while prohibition carries it to the heights of the other. Temperance, therefore, should be the avenue we should travel in approaching this great and momentous problem that confronts our country. [Applause.]

The materia medica classifies alcohol in the following five groups:

First. Absolute alcohol, which is 97 per cent alcohol.

Second. Whisky, gin, rum, cognac, brandy, and rye contain between 45 and 49 per cent alcohol.

Third. The red wines, white wines, and champagne contain from 10 to 18 per cent alcohol.

Fourth. The stouts, ales, and porters contain from 4 to 6½ per cent alcohol.

Fifth. Beer contains from 1 to 3 per cent alcohol.

The 97 per cent or absolute alcohol is used in the elaboration, perfection, and development of most of the medicinal drugs which are utilized by doctors and pharmacists in dispensing medicine.

There is not a dry Member in this House who does not use alcohol every time he takes his physician's prescription to allay his sufferings, because most of the drugs and herbs used in pharmaceutical preparations can not be dissolved in any other media but alcohol. So I repeat, there is not a dry Member of this House, or his family, who does not use alcohol when he takes medicine.

Prior to prohibition the Government of the United States imposed a tax on pure alcohol and a very small tax on industrial alcohol. Into this industrial alcohol used for commercial purposes, the Government placed various chemical ingredients such as kerosene, quinine, creosote, pyridine, formaldehyde, bichloride of mercury, wood alcohol, and countless other poisonous substances so that this industrial alcohol might not compete with the tax-paid pure alcohol.

Since prohibition has come into being 60,000,000 gallons of industrial alcohol are presumed to be used annually for commercial purposes, 6,000,000 of which, however, are diverted and

converted by unscrupulous bootleggers to the clandestine purveyors of bootleg whisky. It is this industrial alcohol poisoned by the Government that has sent thousands of our unfortunate American citizens to an early and unsuspected grave.

Shall we have our Government act as a Lucretia Borgia of medieval days, who poisoned all who came into intimate contact with her? Shall we in this twentieth century—this civilized twentieth century—turn back to medieval times and leave to posterity the infamous heritage of the Borgias? I for one am irrevocably opposed to the country I love committing murder. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SIROVICH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. EDWARDS. Mr. Chairman, reserving the right to object, how much time is remaining?

The CHAIRMAN. Twenty minutes have been consumed for the amendment and 25 minutes against the amendment.

Mr. MADDEN. And if he gets unanimous consent, does that add to the hour?

The CHAIRMAN. It comes out of the hour.

Mr. BLANTON. How much time is left?

The CHAIRMAN. For the amendment 10 minutes are left, and against the amendment 15 minutes.

Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SIROVICH. Mr. Chairman and gentlemen of the House, it is this 6,000,000 gallons of diverted and converted industrial poisoned alcohol that finds its way to human consumption and is responsible for the murder annually of 12,000 of our citizens. This frightful mortality of 12,000 has the added horror of the morbidity of those who become victims of alcoholic gastritis, cirrhosis of the liver, Bright's disease, optic neuritis, and blindness, which are all attributable to the poisonous substances contained in denatured alcohol.

Mr. Chairman, as long as the prohibition law is upon the statute books of our country I believe in its complete and rigid enforcement and will vote for any measure that will carry into effect that feature of our Constitution. [Applause.]

The question before the House is not whether one is in favor of prohibition or opposed to prohibition; not a question of temperance or intemperance; not a question of those who are honest in their views or those who are otherwise; but the fundamental and only question before the House is the amendment of the gentleman from Maryland [Mr. LINTHICUM], whether the Government shall put into industrial alcohol obnoxious drugs to make it unpalatable, or to put poison in it that ultimately commits murder.

Personally, I am in favor of denaturing alcohol with such ingredients that will make it unpalatable; yes, even nauseating, for human consumption; but loving humanity as I do, especially those weak, who need the guidance and assistance of others, I plead with you Members of this historic body not to permit our country to become particeps criminis to a continuation of horrors that have come in the wake of governmental participation in the poisoning of denatured alcohol. [Applause.]

Mr. LA GUARDIA. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from New York.

Mr. LA GUARDIA. The amendment under consideration does not do anything.

Mr. SIROVICH. Read the amendment.

Mr. LA GUARDIA. I have.

Mr. SIROVICH. So have I. In effect this amendment prohibits the use of toxic or poisonous drugs. There is no objection to drugs that would denature the alcohol so long as they are not injurious to the body, and my contention is that any drugs that are in there which are not injurious, from the standpoint of poisoning, may be safely used as a denaturant.

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes, sir.

Mr. WELLER. Is it not a fact that for the year 1926 Doctor Harris, the general commissioner of New York City, reported that in New York City alone there were 755 deaths due to alcoholic poison?

Mr. SIROVICH. Yes; and I attended a few cases myself, and every newspaper in New York was opposed to the use of poison in denatured alcohol.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes; I will yield to my friend from Texas.

Mr. BLANTON. I want to ask the distinguished gentleman from New York if it is not a fact that whisky, absolutely without poison in it, has killed thousands of people?

Mr. SIROVICH. Yes; and it has saved thousands of people in cases of pneumonia and other diseases. It has perhaps saved more than it has killed. We do not object to the use of liquor, but to the abuse. [Applause.]

Mr. BLANTON. The leading physicians of the United States do not agree with the gentleman.

Mr. SIROVICH. I am in agreement with the leading physicians of the United States, and I beg the gentleman's pardon.

Mr. BLANTON. How about Doctor Mayo? He contends that it is not necessary at all.

Mr. SIROVICH. I can give you the names of equally eminent authorities. Prof Samuel Lambert, who was my dean at the College of Physicians and Surgeons at Columbia University, one of the most eminent authorities in the world, is one. He is as good a witness as Doctor Mayo as to the effects of alcohol. Doctor Mayo is a surgeon. Professor Lambert is a medical man. Alcohol is used more freely in medicine than in surgery.

Mr. LA GUARDIA. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. LA GUARDIA. Is it not better to go to the foundation of this proposition and repeal the amendment so as to prevent the outrageous conditions that exist at the present time?

Mr. SIROVICH. It is best to go to the foundation. But that is not the subject before the House, however. The subject here is to amend the law in order to prevent the Government from engaging in partnership with the people who poison this liquor.

Mr. LA GUARDIA. I would put an end to the partnership of the Government with bootleggers.

Mr. SIROVICH. So would I, and hope all of the Members of this House would—

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. CRAMTON. As I understand the gentleman's position, he opposes putting anything into industrial alcohol that can not easily be taken out of it?

Mr. SIROVICH. No; I do not oppose that which can be easily taken out, but there are certain poisons by which the Government is denaturing alcohol that can not be taken out and which is the main cause of the death of so many thousands. That is why I am in favor of taking the Government out of the business of poisoning its citizens. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GREEN of Florida rose.

The CHAIRMAN. The gentleman from Florida is recognized for five minutes.

Mr. GREEN of Florida. Mr. Chairman, the gentleman from New York [Mr. LA GUARDIA] is mistaken when he states that Florida is a wetter State than New York. [Applause.] I would like to say to my friend from New York and to my colleagues that Florida is one of the old dry States. It is dry by State law. It is dry by national law. It has a citizenship which is for law and which is for order. I deny the statement that my State is a wet State in practice or a wet State in theory. It is a dry State under the prohibition law, as dry as the Sahara Desert. It is not a State that fosters lawlessness, but it is a State of law and a State of order, and a State where nullificationists do not exist; in Florida we believe in the majesty of the law and uphold the integrity of the Nation. [Applause.]

The CHAIRMAN. The gentleman from Florida yields back four minutes.

Mr. PALMISANO rose.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. PALMISANO. Mr. Chairman and Members of the House, I understand that, under the rulings, in order to offer my amendment and say a few remarks I must do so at this time. I want to speak on the subject of the amendment that I am going to introduce after the action of the committee on the amendment now pending before it, and at the outset I want to say that I am sorry to hear the statement from the gentleman from Michigan [Mr. CRAMTON], who said he would resort to anything in order to enforce the law—that is, the Volstead Act. I have endeavored since I have been a Member of Congress—

Mr. CRAMTON. I made no such statement. The gentleman appears to refer to me, since he speaks of the gentleman from Michigan. I have said nothing that could be distorted into such a statement.

Mr. PALMISANO. If I am mistaken, I apologize to the gentleman.

But, anyhow, the dry element seems to take the view that a man who gets up here and says something about the wet clause is a nullifier and a criminal in himself. I want to appeal to the dry Members of this House. I have introduced a resolu-

tion here and correspondence which I have had with the Prohibition Commissioner as to an investigation of the prohibition administrator of Maryland and the District of Columbia, and I have shown in that resolution that the prohibition administrator has sanctioned the blackjacking of citizens, has put on as an undercover man a man who has been convicted of the crime of robbery and had been sentenced to six years in the Maryland penitentiary, and when that man was arrested for carrying concealed deadly weapons and for assault with intent to kill, that criminal is defended by the United States district attorney for the district of Maryland.

I say to you, my friends, that we are all trying to get this question settled right. I say, let us eliminate the criminals who are employed to enforce this Volstead Act. Let us prevent the administrators of this law from paying a cent to a man who has been convicted of a crime, to men who have been indicted by the various States for committing felonies, or to a man who has two indictments for misdemeanor pending in any of the courts of the country. I say, when you do that the gentlemen who are professing to be dry will prove that they are sincere by eliminating an element that the Prohibition Department is using in order to enforce the law. No longer than the other day our commissioner, Doctor Doran, when he found that the agents were unable to pass the examination—what did he say? This applies to you, gentlemen. When any of us here, at the next session, who are unable to be reelected next November—would you say to the man who came back here in November or in the following March "that because you had not been reelected you were going to sell out or be unfaithful to your trust or oath of office"?

Of course, you will not, because no man who is honest, in the first instance, would dare to do anything after his defeat. But, that is not true of the prohibition agents if we believe what Doctor Doran says:

You upset the whole force, that the men who had failed in the examination are selling out.

That they are a bunch of grafters, and I say if they are a bunch of grafters they had no right to be there and they have no right to be there now, whether they passed the examination or not.

So, my friends, I have been trying to be fair. I ask you to look at the resolution and correspondence which I introduced on January 17.

Mr. MADDEN. Mr. Chairman, as chairman of the Appropriations Committee it becomes my duty to recommend to this House from time to time the funds necessary to enforce the law. We are here to-day with a bill which carries funds in many places for law enforcement. The particular item pending before us, and which has excited the enmity of our friends from Maryland, is only one of the items in the bill for which money is expended to enforce the law.

The amendment offered by the gentleman from Maryland [Mr. LINTHICUM] is a subterfuge. Why does he not move to repeal the Volstead Act, if he is in earnest? He might get some others to vote with him on that. He knows very well that any attempt on his part to repeal the law will be useless, so he tries, through a side issue, to embarrass the situation.

He is trying to make it impossible to spend the money proposed to be appropriated for the enforcement of the act. He wants to say that industrial alcohol, denatured, shall not be permitted to leave the warehouse. He wants it to leave the warehouse in its pristine purity, if it leaves at all. [Laughter.] He wants by indirection to do what he knows he could not do by direction.

There is no sense, no justice, and no decency in the attempt now being made to embarrass the administration in the enforcement of the law. [Applause.] The law is here, and here it will remain. The law will be enforced, irrespective of what Maryland may think about it. [Applause.] If he will come in with an act to repeal the prohibition act—I am a wet—I would probably vote for a legitimate motion to repeal, but never under any circumstances would I vote for any such subterfuge as he now proposes.

Mr. CRAMTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CRAMTON. The gentleman from Illinois may probably have noted—or, at least, he will on the standing vote to follow—that while the speeches come from Maryland the vote will largely come from Tammany Hall, and may exhibit what we might expect in the way of enforcement under Al Smith. [Applause.]

Mr. MADDEN. So, gentlemen of the committee and citizens of the country, we are obligated under our oaths to enforce the law, and while the law is on the statute books, if I have

anything to say anywhere, either as a public official or as a private citizen, it will be in favor of that law enforcement.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. Tammany Hall, I want to say to the gentleman from Michigan [Mr. CRAMTON], is a local organization in the city of New York. It has no application anywhere else in the United States. [Laughter.]

Mr. MADDEN. So, Mr. Chairman and gentlemen of the committee, as we come to you from day to day with recommendations for the funds with which to carry on the Government and ask your support for the appropriation of these funds, we come to-day with other recommendations for other funds to enforce our laws, and we ask you in the name of law and order to vote down the amendment offered by the gentleman from Maryland. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The question was taken; and on a division (demanded by Mr. CRAMTON and Mr. LINTHICUM) there were—ayes 39, noes 167.

So the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment. On page 21, line 10, strike out "\$12,729,140" and insert in lieu thereof "\$75,000,000."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 21, line 10, strike out the figures "\$12,729,140" and insert in lieu thereof "\$75,000,000."

Mr. LAGUARDIA. Mr. Chairman, is all time exhausted on this paragraph and all amendments thereto?

The CHAIRMAN. Yes. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer another amendment. On page 21, line 10, strike out "\$12,729,140" and insert in lieu thereof "\$25,000,000."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 21, line 10, strike out the figures "\$12,729,140" and insert in lieu thereof "\$25,000,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. BLANTON. Mr. Chairman, I ask for a division.

Mr. CAREW. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 11, noes 182.

So the amendment was rejected.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: At the end of line 15, page 22, insert: "Provided further, That no money herein appropriated for the enforcement of the national prohibition act shall be used in the preparation or issue of any permit for the removal or use of any industrial alcohol known to be denatured by any poisonous drug."

Mr. MADDEN. Mr. Chairman, I make the point of order that that is the same amendment.

Mr. LINTHICUM. No; this is limited to any poisonous drug.

Mr. MADDEN. It is exactly the same thing.

Mr. LINTHICUM. No; the other amendment included any material injurious to the human system, whereas this amendment is limited to any poisonous drug.

The CHAIRMAN. There seems to be some difference in the amendment.

Mr. BLANTON. Mr. Chairman, I make the further point of order that the amendment is dilatory.

The CHAIRMAN. The point of order is overruled.

Mr. LINTHICUM. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

Mr. BLANTON. I object, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. LINTHICUM].

The question was taken; and on a division (demanded by Mr. BLANTON and Mr. CRAMTON) there were—ayes 35, noes 184.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Maryland [Mr. PALMISANO] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 22, line 6, after the word "thereby," insert the following: "Provided further, That no money herein appropriated for the enforcement of the national prohibition act shall be used to pay anyone who has been convicted of a crime prior to his appointment, nor one who has been indicted for committing a felony, nor anyone who has two indictments pending against him in any of the State or Federal courts within the United States."

The question was taken; and on a division (demanded by Mr. PALMISANO) there were—ayes 31, noes 168.

So the amendment was rejected.

The Clerk read down to and including line 2 on page 26.

Mr. LA GUARDIA. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LA GUARDIA. Mr. Chairman and gentlemen of the committee, while we are still on the subject of law enforcement I want to call the attention of the House to a news item which appeared to-day in the papers, reporting a protest which had been filed by the Rumanian minister against what he deemed a violation of his immunity.

My letter to the Secretary of State speaks for itself, and I will ask the Clerk to read it.

The Clerk read as follows:

FEBRUARY 14, 1928.

HON. FRANK B. KELLOGG,

*Secretary of State, Washington, D. C.*

MY DEAR MR. SECRETARY: Items appearing in the public press would indicate that a formal protest has been lodged by the royal Rumanian ambassador to the effect that his diplomatic immunity was invaded and disregarded by the activities of certain prohibition agents in New York City. While I have on many occasions protested against the activities of prohibition enforcement officials, I want to take this opportunity to state that I have obtained the details of the incident of which the Rumanian ambassador protests and unhesitatingly state that the agents in this instance not only acted within the proper limits of their official duties but that not even by an extreme stretch of the imagination was any diplomatic immunity disregarded.

It seems that the prohibition officials have had a system of express shipments of liquor under observation. A package shipped from a certain firm in Philadelphia addressed to Mr. A. E. Norris, of 55 East Seventy-second Street, happened to be one of the packages under observation and investigation. It contained bottles of liquor, and it was properly seized at the time of delivery.

I have searched the precedents in vain and fail to find where diplomatic immunity is conferred on the father-in-law of an employee of a diplomatic representative of a foreign country.

I take this opportunity, however, to point out that the representative of the Rumanian Government is the last person in the world to protest in a case of this kind. If he is now seeking to protect American citizens and to extend extraterritorial rights and diplomatic immunity to the father-in-law of an alleged employee of his office, he is seeking to establish a precedent heretofore unknown in international law. May I recall that only recently an American citizen residing in Rumania representing American business, living peacefully and entirely within his rights under the treaty between the United States and Rumania was brutally assaulted while the Rumanian police officers looked on, because it was suspected that the wife of this American citizen was of the Hebrew faith. A representative of a nation which has all through its history so disregarded the rights of others, the rights of its own citizens to worship in accordance with their belief, is the last person in the world to complain of liquor shipped in violation of law to the father-in-law of one of its nationals is seized by United States Government officials in the performance of their duties.

Before any formal reply is given to the protest filed, I respectfully urge a careful investigation in order to give the agents of the Government an opportunity to state their side of the case.

I am, sir, respectfully yours,

F. LA GUARDIA.

Mr. CRAMTON. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. CRAMTON. I made some investigation of the question of diplomatic immunity three or four years ago and I found that clearly, both under our law and under the international law, not only does the immunity not extend to employees and relatives of employees, as the gentleman has emphasized, but it also does not extend to every secretary and underling of the embassies and legations. It pertains to the representative quite strictly.

Mr. LA GUARDIA. In this case, as I state in my letter, the father-in-law is an American citizen and a resident of New York City. These shipments coming out from Philadelphia

were part of the liquor which I stated about a month ago was coming direct from the ships to the choice trade, and all these shipments were under observation. One happened to go into this man's home, and I fail to find where the nationality of an alleged employee extends any diplomatic rights or immunities to a citizen father-in-law.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes out of order in order to reply to the gentleman from New York [Mr. LA GUARDIA].

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Chairman, I think the gentleman from Michigan [Mr. CRAMTON] made his statement probably a little too broad. In looking up the precedents and the holdings under international law with respect to diplomatic immunity, I find the better authority is in favor of extending it to every member of the official household of a diplomat. But I want to say if you look up the precedents you will find in no case has it ever been held that diplomatic immunity permits any diplomat to disobey the laws of the country to which he is attached. He is expected to obey the law of the country to which he is sent, and if he disobeys it, it has been the universal custom and the universal practice to notify his country that he is persona non grata, that his passports have been handed to him, and that he should be called home. This has been the practice almost universally with all civilized countries.

I want to say with regard to the proposition here in Washington, it is not ordinarily the diplomats of the big countries who violate the law. Most of them are from the small countries, and the smaller the country and the rank of the diplomat the greater you will find his violations of law here in Washington. This is ordinarily the case here with respect to violators, although the representatives of most small countries obey our laws. I want to say that some of them, however, have absolutely disregarded the traffic laws of the District of Columbia. When they know it is against the law to run by street cars when they have stopped to discharge passengers, they deliberately run by them. When they know it is against the law to speed down some of our main streets like Sixteenth Street at 40 miles an hour, they have done this in disregard of the law and when stopped by officers they have cursed them and abused them. When they know it is against the law of the District of Columbia and of this Nation for anyone under 16 years of age to drive an automobile in the city of Washington, they have let young boys, even as young as 14 years of age, drive down the street and negligent homicide has resulted in at least one case recently.

I want to say they are persona non grata in the country to which they are attached when they disobey and disregard its laws, and they ought to have their passports handed to them, and I hope Mr. Secretary Kellogg in the future, when a complaint is made to him by the officials of the District of Columbia that diplomats stationed here in Washington and accredited to this country from foreign countries disobey and disregard our laws, will not call the officers who found them disobeying the law and admonish them or cause them to be admonished that they must not so interfere in the future, as has been done in some cases. I hope in each case he will let the country know that their passports have been handed to them and that he will ask to have them recalled.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman.

Mr. SCHAFER. How do these diplomats get these choice brandies and liquors into this country?

Mr. BLANTON. They ship them here. The gentleman knows how they get them here. They ship them here, and the gentleman knows when they dispense them here—and they have been dispensed by footmen and by butlers and by underlings—or when they are sold here in violation of the law in the Nation's Capital, they ought to be sent back home.

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. CRAMTON. A diplomat can bring it in in his own baggage with him, but a diplomat has no more right to make a shipment of liquor into the United States than any citizen.

Mr. BLANTON. Certainly he has not, but he ships it in just the same. He has no right to dispense liquor here. We have nothing to do with what he puts on his own table; we have nothing to do with what he wears; we have nothing to do with what goes on lawfully in his embassy, but we do have something to do with what he does in such embassy in violation of our laws, and what he does on the streets of our Capital, and when an underling dispenses liquor in violation of law he ought to be called to account. Every country will uphold us in sending him back home.

Mr. SCHAFER. If we permit the diplomat to bring liquor in here in his baggage, why should we not permit the working-man to have 2½ per cent beer?

Mr. BLANTON. Oh, the gentleman is talking now for Wisconsin. [Laughter.] I was talking for our whole Nation.

Mr. SCHAFER. The man that wears a uniform on his back in a department is no better than the man who earns his bread by the sweat of his brow.

Mr. BLANTON. I quite agree with the gentleman from Wisconsin. But both ought to obey the law. I have a resolution now pending before Congress to require our State Department to hand passports to all diplomats accredited to this country who wilfully and deliberately disobey our laws.

Mr. CRAMTON. Mr. Chairman, in reference to the matter discussed by the gentleman from Texas, in order that I may refresh my recollection and consult my files, I ask unanimous consent that I may extend my remarks in the Record.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. CRAMTON. The privileges of diplomatic immunity are stretched to fantastic and unwarranted lengths in practice. In this country such immunity must rest upon its recognition in our statutes, sections 4062 to 4066, Revised Statutes of the United States. These are found in sections 251 to 255 of title 22, United States Code.

I made some study of this question five years ago in connection with the public display of liquors at that time by certain embassies and legations. Anyone interested in the subject will find in my discussion, on pages 3789 and following of the CONGRESSIONAL RECORD, volume 64, February 16, 1923, data from the Secretary of State, the Attorney General, and the Secretary of the Treasury.

The immunity only extends to "the person of any ambassador or public minister of any foreign prince or state, authorized and received as such by the President, or any domestic or domestic servant of any such minister." It protects such person from arrest or imprisonment, and his goods and chattels from distraint, seizure, or attachment—United States Code, page 252. But such domestic servant is not protected unless—

The name of the servant has, before the issuing thereof, been registered in the Department of State and transmitted by the Secretary of State to the marshal of the District of Columbia, who shall upon receipt thereof post the same in some public place in his office. (U. S. C. 254.)

There is nothing to cover the great number of secretaries, stenographers, and fathers in law. Only the minister or ambassador and such servants as are registered and posted are entitled to the immunity.

As to the use of liquor on the premises of legations and embassies we can not interfere, by reason of their extraterritoriality.

They have under the Constitution no right to import it into this country or transport it here. A common carrier or a private carrier transporting liquor for them is subject to the same penalties as for unlawful transportation for any other person. The Treasury regulations set forth in my remarks above referred to contemplate that shipments for the diplomats should not be received through the customs without examination, but that it should be sufficient, so far as examination is concerned, to accept a statement of the diplomat as to whether or not the shipment contained liquors.

In practice secretaries have been accorded the immunity, and the greater part of the trouble comes from them. The humor underlying the official disposal of such a case by Charles E. Hughes when Secretary of State is interesting. In the case of the secretary of the Polish Legation the Secretary of State wrote the following letter to Dr. Ladislav Wroblewski, then minister of Poland resident here, in which in one brief letter he expressed his regret for the invasion of the customary immunity in that case, and "improved this opportunity" to inform the minister that—

Mr. Sokolowski appears to have had in his possession a quantity of alcoholic beverages greatly in excess of that which the privileges and immunities which are enjoyed by diplomatic representatives resident in this country would justify—

And—

I understand . . . Mr. Sokolowski has been transferred to Warsaw.

The letter follows:

DEPARTMENT OF STATE,  
January 26, 1924.

The department has addressed the following communication to Dr. Ladislav Wroblewski, minister of Poland:

DEPARTMENT OF STATE,  
Washington, January 25, 1924.

SIR: With reference to your note of December 22, 1923, concerning the violation of the domicile of Mr. Venceslas Sokolowski, secretary of your legation, on December 20 last, and to subsequent conversations on this subject between you and an official of this department, I beg to transmit herewith a copy of a communication addressed to me from the Assistant Secretary of the Treasury, dated January 23, in relation thereto.

You will observe therefrom that the fact that the third floor of the premises was occupied or leased by Dr. Venceslas Sokolowski was unknown to the officers at the time the search was made; that if they had known of his status the apartment would not have been entered, and that it is regretted that such entry was made. I assure you that I share in the expression of regret that the immunity customarily enjoyed by all diplomatic officers should not have been observed in this instance.

I am constrained, however, to improve this opportunity to inform you that, according to the facts that have been developed in this connection, Mr. Sokolowski appears to have had in his possession a quantity of alcoholic beverages greatly in excess of that which the privileges and immunities in this regard, which are enjoyed by diplomatic representatives resident in this country, would justify. It has, therefore, been a matter of concern that this diplomatic immunity has been abused. I understand, from information with which you have been so good as to furnish the department, that Mr. Sokolowski has been transferred to Warsaw.

Accept, sir, the renewed assurances of my highest consideration.

CHARLES E. HUGHES.

The Clerk read as follows:

For completion of the survey of the salt-marsh areas of the South Atlantic and Gulf States, to determine the exact character of the breeding places of the salt-marsh mosquitoes, in order that a definite idea may be formed as to the best methods of controlling the breeding of such mosquitoes, \$10,000, to be expended by the Public Health Service in cooperation with the Bureau of Entomology of the Department of Agriculture.

Mr. BYRNS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 35, line 14, strike out the figures "\$10,000" and insert "\$15,000."

Mr. MADDEN. The committee accepts that amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For incidental and contingent expenses, including new machinery and repairs, cases and enameling for medals manufactured, net wastage in melting and refining and in coining departments, loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, and not exceeding \$1,000 in value of specimen coins and ores for the cabinet of the mint at Philadelphia, \$273,000: *Provided*, That no part of this sum shall be expended for expenses of the annual assay commission.

Mr. MADDEN. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 36, strike out the proviso in lines 21, 22, and 23, and in line 19, after the word "coins," insert the following: "not to exceed \$500 for expenses of the annual assay commission."

The amendment was agreed to.

The Clerk read as follows:

Any appropriation herein made toward the combined purpose of acquiring land and starting construction shall not be construed to prevent the Secretary of the Treasury from contracting for the necessary land in an amount in excess of such appropriation if, in his judgment, a balance will remain in the limit of cost sufficient to cover complete construction of the building.

COAST GUARD STATION, GRAND MARAIS, MINN.

Mr. CARSS. Mr. Chairman, I move to strike out the last word. I do this for the purpose of sincerely thanking the Committee on Appropriations and the membership of the House for their favorable consideration of an item in the Treasury and Post Office appropriation bill, which appears on page 26.

The item to which I refer provides for construction of a Coast Guard station at Grand Marais, Minn., on the north shore of Lake Superior, about halfway between Duluth, Minn., and the international border.

I introduced a bill in the Sixty-sixth Congress, which was enacted, authorizing the establishment of this station, and in the past three years have appeared before the Bureau of the Budget and the Appropriations Committee in an attempt to

secure the necessary funds for construction. While it has required some time to accomplish results, it has been well worth the effort to have finally succeeded in securing the approval of the committee and the House.

Admiral F. C. Billard, commandant of the United States Coast Guard, has rendered valuable assistance through his active and enthusiastic cooperation. He appeared before the Bureau of the Budget on different occasions, urged the establishment of this station, and requested that the unused balance to the credit of the United States Coast Guard be applied to this project. I want to pay my compliments to this capable and humane public official, and to the personnel of the United States Coast Guard in general for the very efficient manner in which they discharge the duties imposed upon them in the saving of human life in times of shipwreck and disaster.

The need for this station is very urgent. Grand Marais has a natural land-locked harbor, affording shelter for vessels that put in at that point to weather the storms. It is also a port from which considerable quantities of gravel, pulpwood, and other forest products are shipped. In addition to the traffic which originates at Grand Marais, many vessels pass this point during the season of navigation on the Great Lakes.

In the summer of 1926, 11,445 boats entered and cleared from the ports of Duluth, Minn., and Superior, Wis. Much of this traffic passes close to the dangerous, rocky coast and islands that lie near Grand Marais, and, Mr. Chairman, I shudder to think of the terrible fatalities which might occur should some of our large passenger boats go aground in a storm on the reefs or shoals. The life-saving station nearest to Grand Marais is 105 miles across Lake Superior, too great a distance to render effective assistance to boats stranded on the north shore.

The question of establishing a Coast Guard station at Grand Marais, Minn., was taken up with Hon. Herbert Hoover, Secretary of Commerce, who approved the project as a safeguard to navigation, but, Mr. Chairman, the most compelling reason which has prompted me to attempt to secure the construction of this station is the need of the sturdy, courageous fishermen, who go out upon Lake Superior to ply their trade in the winter season when the temperature frequently reaches 40 degrees below zero and sometimes lower. These men are engaged in herring fishing. The herring usually begin their run about September 15 and continue to frequent the shores until about February 15. During the winter season the ice field on the lake frequently extends from 90 to 100 miles out from the Bay of St. Louis into Lake Superior, but due to the prevalence of strong north winds the ice is driven away from the north shore, leaving a space of open water from one-half mile to 5 or 6 miles in width. It is in this strip of open water the fishermen set their nets and ply their trade.

These men are frequently caught, while out attending to their nets, by sudden off-shore storms, are blown to sea, and often perish from cold or exhaustion. Some have perished within sight of their loved ones, who were unable to render assistance because of the lack of proper equipment. These fishermen live with their families in the little hamlets sheltered under the majestic cliffs of the north shore. Oftentimes the wives of the fishermen accompany their husbands to assist them in earning a livelihood for their dependents. Some of these women have also perished.

It is on behalf of these men and their dependents—these honest toilers who brave the storms in order that others may be provided with luxuries—for the Lake Superior fish are a real luxury—these people, who lead such obscure lives that their welfare is often overlooked; it is on behalf of these people that I wish to thank the Members of the House and committee for this appropriation necessary to establish this station. In years to come, Mr. Speaker, who knows what a great work for humanity may have resulted through our action here to-day, and I am grateful it has been my privilege to have served with the membership of the House which has to-day approved this project. [Applause.]

Mr. MADDEN. Mr. Chairman, I wish to say that the committee made a very careful study of the problem mentioned by the gentleman from Minnesota. It has real merit for it affects the lives of numbers of people who are jeopardized on many occasions. This is the only life-saving station for many miles along that coast, and the north coast of Lake Superior is not a very smooth place in a storm. We were anxious to follow the advice of the gentleman from Minnesota and have recommended the appropriation for the station. We hope, now, with this money, they will proceed rapidly to construct the station, put in the equipment that is provided, and furnish the facilities to protect the lives of these people.

Mr. BLANTON. The gentleman from Minnesota [Mr. CARSS], who is one of our most valuable legislators here, needs special commendation, for I understand that this is the first money that

that part of Minnesota has been able to get out of the Committee on Appropriations for 30 years.

Mr. MADDEN. He has been very persuasive. We looked into the merits of the case and were convinced that he knew what he was talking about, and we are glad to cooperate with him. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having resumed the chair as Speaker pro tempore, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10635, the Treasury and Post Office Departments appropriation bill, and had come to no resolution thereon.

#### CALENDAR WEDNESDAY BUSINESS

Mr. O'CONNELL. Mr. Speaker, I ask the distinguished gentleman from Illinois [Mr. MADDEN] whether it is his purpose to continue with this bill to-morrow?

Mr. MADDEN. Yes; I hope so. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business, in order to-morrow, be dispensed with and that we may proceed with this bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to dispense with Calendar Wednesday business to-morrow. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I have been informed, and, I am sure, authentically, that the committee which would have the call to-morrow, the Committee on Foreign Affairs, is agreed practically by its entire membership that they do not care to go forward with their business.

Mr. MADDEN. The gentleman from Pennsylvania [Mr. PORTER], chairman of that committee, told me that he is not ready and will be glad to have Calendar Wednesday business dispensed with to-morrow.

Mr. GARRETT of Tennessee. That has been my understanding. There is no committee demanding the time, and under the circumstances I see no reason to object.

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, it may be true that the committee which has the call to-morrow is not ready, and yet the custom is to call the roll of committees. Every session we are confronted with a situation where in the last day of the session or the day before the last day of the session there is presented the first opportunity that the Veterans' Committee has to come in with its bills. The Veterans' Committee has one or two important bills which it has reported and which the House is ready and anxious to consider. Besides, there is a constitutional amendment in respect to the lame-duck Congress that has been reported and that is on the calendar and ready.

Mr. GARRETT of Tennessee. In regard to the constitutional amendment, a special rule has been authorized from the Committee on Rules as far as the White amendment is concerned, and I think the gentleman from New York will agree that a constitutional amendment ought not to be called up on Calendar Wednesday, when the time for debate is entirely too restricted. There ought not to be cloture of debate on a constitutional amendment.

Mr. LA GUARDIA. I agree with the gentleman.

Mr. GARRETT of Tennessee. Let me say further in regard to the observation made by the gentleman from New York in respect to the other committees, of course I get my information touching these matters of proposed procedure primarily from the majority floor leader. I feel quite sure that there are no other committees that do want to go on to-morrow. I think it proper to say, however, that it will hardly lie within the mouths of the chairmen of these various committees along toward the end of the session to come in and complain that they did not have an opportunity to be heard if they do not come here now upon occasions of this kind and object. So far as I am concerned, I feel no responsibility in connection with it and do not feel that my side has any responsibility in connection with it. Therefore I interpose no objection.

Mr. LA GUARDIA. The mere fact that the chairmen of the committees do not object is not very comforting to some of us who are very anxious to get consideration of certain legislation.

Mr. GARRETT of Tennessee. I have always recognized the right of the majority party to fix the order of business, unless there is some extraordinary condition.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### DISPOSITION OF CERTAIN BRIDGE BILLS

Mr. DENISON. Mr. Speaker, there are upon the Speaker's table certain Senate bills which I wish to have taken from the Speaker's table and indefinitely postponed. They are—

S. 760. An act granting the consent of Congress to the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River;

S. 2257. An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.; and

S. 2666. An act granting the consent of Congress to the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River.

The SPEAKER pro tempore. What is the request of the gentleman from Illinois?

Mr. DENISON. I ask unanimous consent to take these bills from the Speaker's table and indefinitely postpone their consideration, the reason being that similar bills have passed the House and have gone to the Senate and have been passed by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. DENISON]?

There was no objection.

Mr. DENISON. Now, Mr. Speaker, I wish to call up the following Senate bills from the Speaker's table and take the same action.

The SPEAKER pro tempore. The Clerk will report the Senate bills referred to.

The Clerk read as follows:

S. 820. An act granting the consent of Congress to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, Charles A. Egley, and George C. Eberlin, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.;

S. 821. An act granting the consent of Congress to O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo.;

S. 2188. An act granting the consent of Congress to Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo.;

S. 2189. An act granting the consent of Congress to F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo.;

S. 2476. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.;

S. 2477. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.;

S. 2479. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.;

S. 2478. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn.;

S. 2480. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.;

S. 2730. An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city;

S. 1879. An act granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Missouri River at Lansing;

S. 2490. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; and

S. 1162. An act granting the consent of Congress to the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, for the construction, maintenance, and operation of a toll bridge across the Ohio River at Sistersville, Tyler County, W. Va.

Mr. DENISON. Mr. Speaker, in this connection I would like to say that bills similar to all these Senate bills have passed the House and are now pending in the Senate. The House bills were in proper form. The Senate bills are not in proper form, and it would be necessary to have them referred to our committee and be amended. The authors of these bills have told me that they would prefer the passage of the House bills, and, therefore, in view of that situation, I ask unanimous consent that these bills be taken from the Speaker's table and indefinitely postponed.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker—I I shall not object—but there has been a habit growing up in another body where in a situation like this we send over House bills, and all after the enacting clause of the House bill is stricken out and the Senate bill is incorporated, and the bill is passed as a Senate bill. That custom has grown up. I understand that this request that the gentleman from Illinois is making will force another body, through courtesy, to pass House bills, if any are passed at all.

Mr. MADDEN. That would not be a bad idea.

Mr. BLANTON. It being a question of courtesy, I shall not object.

The SPEAKER pro tempore. The Chair hears no objection.

Mr. DENISON. Mr. Speaker, in this connection I would like to state that it is not the best practice for Members, who introduce bills of this kind in the House, to go over to the Senate and have similar bills introduced there. It does not expedite business. Very often the bills pass each other on their way across, and produce complications. I think it will expedite the consideration of business of this kind to just introduce the bill in the House and let it await its turn in the Senate, because we are expediting these bills as rapidly as possible here, and it will save time and work to allow the House bills to be considered by the Senate.

Mr. GARRETT of Tennessee. It duplicates the work. I think we passed 70 bills one day, and 34 of those bills passed the Senate on the same day, and of course one or other body has to do this work over again.

Mr. DENISON. Mr. Speaker, I want to propound a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DENISON. There is a Senate bill on the Speaker's table, S. 2348. A similar bill has passed the House and gone to the Senate. Of course, I am familiar with the rule that when a Senate bill is on the Speaker's table, and a similar bill has been reported here and is on the calendar, it is in order to consider the Senate bill. Does the same rule apply where the House bill has passed the House and been messaged over to the Senate?

The SPEAKER pro tempore. The Chair sees no reason why this should change the rule.

Mr. DENISON. It seems that the reason for the rule would apply.

Mr. GARRETT of Tennessee. May I suggest, Mr. Speaker, that my first reaction to the thought is that it would change the rule. The rule now is simply one of convenience and in order to expedite business. Now it does not necessarily expedite business for a gentleman to call this bill up in the absence of the House bill. Suppose the Senate would take the House bill and amend it and send it back to us. It seems to me the best course would be for the gentleman to make a motion requesting the return of the House bill.

Mr. DENISON. I thought of that, but I thought this would be the quickest way to dispose of it. The Senate bill is in reality in the form we desire to pass it. It was my intention to amend the House bill when it was before the House, but by an oversight I neglected to do so. Then I went over and suggested to the Senate committee that they amend the Senate bill in the manner desired, which they did. The Senate bill has been amended and is now on the Speaker's table in proper form, whereas the House bill will have to be amended by the Senate committee before it can be considered by the Senate.

Mr. GARRETT of Tennessee. Then we really have nothing on our calendar at all on the subject?

Mr. DENISON. No; the House has been passed.

Mr. BANKHEAD. Let me suggest that the House itself might disagree with the gentleman's personal views with reference to the amendment in question.

Mr. DENISON. They are not my personal views but the committee's views.

Mr. BANKHEAD. Then the House might disagree with the committee's views.

Mr. RAMSEYER. Complications might arise, as has been suggested by the gentleman from Tennessee. The gentleman has the Senate bill and is thinking of having it passed. The similar House bill is over in the Senate. Of course, if the House bill were on the Calendar, you could dispose of it, but the gentleman does not know but what some Senator has the floor over there right now seeking to pass the House bill, and if we should pass both of them unamended, they would both go to the President. I think there is quite a difference in the situation which the gentleman presents and that under which a Senate bill can be called up as a matter of right when a similar House bill is on the calendar.

Mr. MAPES. Mr. Speaker, regardless of the theory and purpose of the rule, is it not a pretty free interpretation of the rule to hold that a bill which has already passed the House

comes under the rule, because the rule provides that a bill must be reported by a House committee and be on the House Calendar? It is not on the House Calendar after it goes to the Senate.

Mr. DENISON. Of course, the bill was reported by the House committee and was on the House Calendar.

Mr. MAPES. It was, but it is not now.

Mr. DENISON. No; it is not now, and that is the reason I propounded the inquiry. I was not sure about the application of the rule.

Mr. GARRETT of Tennessee. We have not the House bill here at all. Of course, the gentleman from Illinois will understand that I am discussing the parliamentary question, and there is no reflection intended. We have not any way officially to know that the House bill and the Senate bill are the same. I repeat to the gentleman that I am discussing the parliamentary situation, and casting no reflection upon the statement made by the gentleman that they are the same, or substantially the same; but the more I think of it the more I am impressed with the idea that we could not afford to set the precedent of holding that a bill which has in fact passed the House and is physically away from the House occupies precisely the same parliamentary status as one that is reported from a committee and is on the calendar under the terms of that rule.

The SPEAKER pro tempore. The Chair would like to read the paragraph of the rule which seems to apply, and beyond this he can find nothing that does apply.

House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House.

This is all the Chair can find in the rules that directly applies to this situation.

Mr. CHINDBLOM. Let me add:

And not required to be considered in Committee of the Whole.

It refers only to House bills and not bills on the Union Calendar.

The SPEAKER pro tempore. Yes; it applies to House Calendar bills only.

Mr. GARRETT of Tennessee. Will the Chair kindly give the rule from which he has just read?

The SPEAKER pro tempore. It is Rule XXIV, paragraph 2.

Mr. CHINDBLOM. May I suggest, Mr. Speaker, that while I may be wrong I seem to recall that this matter has been decided within the last year or two, when it was held that when a bill had left the House and gone to the Senate it did not come within this rule.

The SPEAKER pro tempore. The precedent to which the gentleman refers has not been called to the attention of the Chair.

Mr. DENISON. Nor to mine; and I do not remember such a question having arisen.

The SPEAKER pro tempore. The Chair is not aware of the existence of such a precedent and would like to have the gentleman cite it.

Mr. CHINDBLOM. I do not like to rely altogether on my recollection, of course, but I do seem to recall some such ruling.

The SPEAKER pro tempore. In order that no new precedent may be established here unnecessarily, let the Chair suggest that in the absence of necessity for haste it would be well for the gentleman from Illinois [Mr. DENISON] to withhold his request until to-morrow.

Mr. DENISON. I will say to the Chair that there is no haste in connection with this matter.

The SPEAKER pro tempore. Then the Chair will suggest that the gentleman withhold his request until to-morrow in order to give time to look up the decisions interpreting the rule.

Mr. DENISON. I will be glad to let the matter go over until to-morrow. But in that connection let me suggest to the Chair that the rule does not say that this rule applies where a bill substantially similar has been reported by a House committee and is on the House Calendar; it says simply when a bill substantially similar has been reported by a committee of the House. That is the case here, although, as a matter of fact, it has been passed by the House. I have raised the question, Mr. Speaker, because I can see that this question is likely to arise often, and I am anxious to learn the best way to expedite the business in accordance with the Rules of the House.

Mr. GARRETT of Tennessee. Yes. My own thought about it is that clearly it must mean that the House bill is yet within the control of the House. In this instance we are not in

physical possession of the bill. It has already passed the House and gone away from us.

Mr. CHINDBLOM. Let me suggest also that the term "bill" refers generally to matters actually pending in the House. Is the bill in the House after it has been sent to the Senate, or is it a "House bill" after it has been passed by the House and sent to the Senate?

Mr. DENISON. I do not know what else it would be.

Mr. CHINDBLOM. It is an "act" so far as the House is concerned. The Senate gives the bill the title of an "act" when it comes there after passage in the House.

The SPEAKER pro tempore. The further discussion of the matter inclines the Chair even more to the belief that this is a matter that should go over.

#### CALENDAR WEDNESDAY BUSINESS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask recognition for the purpose of asking the gentleman from New York [Mr. LA GUARDIA] a question.

The SPEAKER pro tempore. Without objection, the gentleman may propound his question.

There was no objection.

Mr. O'CONNOR of Louisiana. Do I understand that the gentleman from New York was seeking to convey the thought that the chairman of the Committee on Veterans' Legislation will not take advantage of Calendar Wednesday and—

Mr. MADDEN. I do not think the gentleman ought to get that information second hand.

Mr. O'CONNOR of Louisiana (continuing). And call up legislation that is within the control of that committee.

Mr. MADDEN. The gentleman's committee has not the call.

Mr. LA GUARDIA. The gentleman was simply seeking to anticipate the time when the Committee on World War Veterans' Legislation would be called.

Mr. O'CONNOR of Louisiana. I understand the gentleman intimated there were a number of the members of that committee who desired to have legislation considered, and I was under the impression that the gentleman conveyed the thought that there were members of the committee who were willing and anxious to have bills considered but that the chairman of that committee, apparently, was indisposed to take advantage of the call.

Mr. LA GUARDIA. The gentleman knows that the committees are called in their order of standing and that the more Calendar Wednesdays we dispense with the less opportunity there is that a committee at the end of the list will be called.

Mr. MAPES and Mr. BLANTON rose.

Mr. O'CONNOR of Louisiana. I yield to the gentleman from Michigan.

Mr. MAPES. Mr. Speaker, it seems to me far-fetched to try to bring the chairman of the Committee on World War Veterans' Legislation into this Calendar Wednesday proposition at this time.

Mr. MADDEN. Regular order, Mr. Speaker.

Mr. MAPES. Mr. Speaker, the gentleman from Louisiana has two minutes.

Mr. McSWAIN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. McSWAIN. For permission to extend my remarks in the RECORD.

Mr. MAPES. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MAPES. Did not the gentleman from Louisiana have some time?

The SPEAKER pro tempore. The gentleman did not. It was all by unanimous consent and the regular order has been demanded.

Mr. MAPES. I understood the gentleman to ask for two minutes.

Mr. O'CONNOR of Louisiana. I asked the question in an effort to honestly and sincerely get the information.

Mr. MAPES. Mr. Speaker, in fairness to the chairman of the Committee on World War Veterans' Legislation I ask unanimous consent to proceed for one minute.

Mr. O'CONNOR of Louisiana. It was not my desire, Mr. Speaker, to reflect upon the chairman of the World War Veterans' Legislation Committee.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I shall ask unanimous consent to proceed for two minutes in view of the situation that has developed.

Mr. MAPES. Mr. Speaker, it seems to me rather far-fetched to try to bring the chairman of the Committee on World War

Veterans' Legislation into this discussion with respect to dispensing with Calendar Wednesday. His is one of the very last committees to be authorized by the rules and we are only starting the call of the calendar of committees now. The Banking and Currency Committee is the committee actually having the call. The next committee is the Committee on Coinage, Weights, and Measures and the next committee is the Committee on Interstate and Foreign Commerce. The Committee on Interstate and Foreign Commerce is anxious not to lose its day, and to jump way down to the end of the list of committees and try to charge the chairman of a committee near the end of the call with responsibility of dispensing with Calendar Wednesday it seems to me is rather far-fetched.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. BANKHEAD. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Regular order is demanded. The Chair recognizes the gentleman from South Carolina. For what purpose does the gentleman rise?

Mr. McSWAIN. For the purpose of presenting a unanimous-consent request that I be permitted to extend my remarks in order to explain a bill which I have introduced to-day doing tardy justice to the original and pioneer aviators of the United States Army.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

#### JUSTICE TO PIONEER AVIATORS—RELATING TO NATIONAL DEFENSE

Mr. McSWAIN. Mr. Speaker, with reference to the bill introduced by me "to provide proper recognition for the early pioneers in Army aviation," it is proposed in the first section that those officers of the Army who qualified on or before December 31, 1913, as military aviators, shall receive 75 per cent additional pay for flying as has heretofore been twice provided in bills passed by Congress, and that, of course, this extra pay shall accrue only for periods during which they participate regularly and frequently in aerial flights.

There were 24 of these officers who qualified as military aviators during this early period; that is, prior to December, 1913. Eleven other officers detailed to flying activities during this same period were killed. Of this total of 35, 2 have transferred to other branches, 5 are retired, only 7 remain active in the Air Corps, and 21 are dead. It is thus seen that but seven officers remain in the Air Corps to participate in the benefits of this section. One of these officers now receives 75 per cent additional pay—under the provisions of section 127a, national defense act—because the rating of military aviator was conferred upon him for having specially distinguished himself in time of war in active operations against the enemy. Another of these seven officers has been found physically disqualified and is not on flying duty. Thus this provision would to-day affect but five officers and entail an additional cost to the Government of only \$517.70 monthly.

These men were the early pioneers in Army aviation and were responsible for developments which made flying in subsequent years from ten to forty times safer. They have all qualified a second time as military aviators under the laws of Congress passed June 3, 1916, and July 24, 1917.

By section 2 it is proposed to permit these early pioneers in Army aviation to retire at any time subsequent to the passage of the act. This is not without precedent, for in an act of the Sixty-third Congress, approved March 4, 1915, copy attached, certain officers of the Army and Navy who had been engaged in work on the construction of the Panama Canal were permitted to retire at any time after the passage of that act.

This is a very just provision, for these officers who have survived have lived their lives many times over in the hazardous early days of flying when a fatality occurred for approximately every hundred flying hours. Subsequent to that period all of these officers have held positions of great trust and responsibility and contributed much to the development and organization of the present air forces of the country.

This section will apply to a maximum of 9 officers, 7 who are now active in the Air Corps and 2 who were transferred to other branches of the service. All of these officers have had over 20 years' service and there is no doubt that the services they gave during the early days of flying should count many times over and make them eligible for retirement.

Section 3 of the bill proposes that the retired pay of these officers shall be 75 per cent of all pay and allowances, including flying pay, of the grade in which retired. There are five of this group of officers now on the retired list and possibly nine others will become eligible to participate in the benefits of this provision if they live to retire. This makes an absolute maximum of 14 officers, or but 40 per cent of the total number of 35 who

started the early air activities in the Army and were responsible for its early development. The casualty rate was high. The strain, mental and physical, was great; but these officers persisted in spite of the chances against them because they realized that here was a new weapon for national defense which required development. Some of those who are now retired suffered accidents which contributed to their physical unfitness. One officer was picked up for dead and was being taken to the undertaker's when somebody discovered a sign of life. He was completely broken up, but managed to survive and was placed on the retired list.

Medical officers familiar with the hazards of flying believe the subconscious strain on the physical system due to the ever-present risk in military flying causes officers to use up their physical resistance very much faster than in other walks of life. How much more so was this the case when flying was only one-thirtieth to one-fortieth as safe as it is to-day! Therefore, it would appear that this is but a just recognition of the services that these early pioneers rendered.

It is impracticable to compute the cost of this provision because it varies with the grade and length of service of the officer affected. It is obvious, however, that the cost will be trifling compared with the services rendered. Applied to the officers on the retired list to-day, it will amount to but \$717.19 per month.

The last section of the bill is designed to prevent any retroactive effect as such an action is believed contrary to the policy of Congress.

The justice of this proposed legislation is fully appreciated when the early history of Army flying is known. With little more than box kites to fly in, with casualties occurring on every hand, with appropriations so meager that often the officers themselves supplied the funds to maintain the equipment, with equipment so frail as to be a constant menace to the safety of the flyer and with little known of aerodynamics, these early pioneers had almost insurmountable obstacles with which to contend. One purchase of six "military" planes took six lives. A death occurred for approximately every hundred flying hours. Those who survived and passed the tests not only were announced in War Department orders as having qualified as military aviators, but they again qualified under subsequent laws of Congress and received the pay which it is now designed by the provisions of this bill to restore to them. They not only flew under extremely hazardous conditions but were responsible for the development of many characteristics considered highly desirable in military airplanes. So far as known, no material recognition has ever been given them.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. LEAVITT, for two days, on account of important business.

#### ADJOURNMENT

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

Mr. LaGUARDIA. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Illinois withhold his motion to adjourn?

Mr. MADDEN. I withhold it.

#### PROHIBITION AGENTS, ADMINISTRATORS, ETC.

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent that I may have until midnight to-morrow to file minority views on the resolution H. Res. 108.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### CALENDAR WEDNESDAY BUSINESS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

Mr. MADDEN. Mr. Speaker, I withhold the motion for that purpose.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I want to say to the Members of the House that I have not the slightest or remotest desire to reflect on the alertness or vigilance of the chairman of the Committee on World War Veterans' Legislation, for whom I entertain the warmest sort of friendship; and it is not entirely, in my judgment, in keeping with the situation that prompts one of the Members here to rise for the purpose of honestly securing information, to be distorted by another Member and made to appear as if his attitude were unfriendly and hostile to a man for whom he has the warmest friendship. I think the gentleman from Michigan [Mr. MAPES] and I have the same thought, and that is to refute any inference that might be made that the chairman of the World War Veterans' Legislation Committee has been derelict in any way. I

did not ask my question with any idea of reflecting upon the vigilance of the chairman of that committee.

Mr. MAPES rose.

Mr. O'CONNOR of Louisiana. I yield to the gentleman from Michigan.

Mr. MAPES. So far as I am concerned, I had no intention of misinterpreting the gentleman's inquiry, and I accept what he says in perfect good faith.

Mr. GARRETT of Tennessee. May I ask one of the gentlemen a question? In view of the experience which we have had in regard to veterans' legislation covering the last six years at least, does not the gentleman think we are wasting a good deal of time in even discussing Calendar Wednesday for the legislation of the Committee on World War Veterans' Legislation, because they have never functioned except under suspension of the rules?

Mr. BLANTON. That is exactly what I wanted to bring out. Since the committee was organized four years ago, they have never brought in a bill except under a suspension of the rules, where you could not amend it in any particular, and the rules allowed only 20 minutes to the side for debate.

#### SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table, and, under the rule, referred to the appropriate committee, as follows:

S. 797. An act granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near Wellsburg, W. Va.;

S. 798. An act granting the consent of Congress to the R. V. Reger Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, Hancock County, W. Va.;

S. 1498. An act to extend the time for the construction of a bridge across the Chesapeake Bay and to fix the location of said bridge;

S. 2554. An act granting the consent of Congress to the cities of Atchison and Leavenworth, Kans., the city of St. Joseph, Mo., and the counties of Buchanan and Platte, Mo., their successors or assigns, to construct a bridge across the Missouri River or to acquire existing bridges; and

S. 2698. An act granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across the Clyde River at or near Newport, Vt.; to the Committee on Interstate and Foreign Commerce.

#### ADJOURNMENT

The SPEAKER pro tempore. The gentleman from Illinois moves that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 15, 1928, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, February 15, 1928, as reported to the floor leader by clerks of the several committees:

##### COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

##### COMMITTEE ON AGRICULTURE

(10 a. m.)

To place agricultural products upon a price equality with other commodities (H. R. 10656).

To foster agriculture and to stabilize the prices obtained for agricultural commodities by providing for the issuance of export debentures upon the exportation of such commodities (H. R. 10568).

##### COMMITTEE ON THE CENSUS

(10.30 a. m.)

For the apportionment of Representatives in Congress among the several States under the Fourteenth Census (H. R. 27).

For the apportionment of Representatives in Congress (H. R. 130).

##### COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To amend Title II of an act approved February 28, 1925, regulating postal rates (H. R. 9296).

##### COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the increase of the Naval Establishment (H. R. 7359).

##### COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity (H. R. 7759, 8237).

Defining combinations and conspiracies in trade and labor disputes and prohibiting the issuance of injunctions therein (H. R. 10082).

##### COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the countries of continental America and adjacent islands (H. R. 6465).

##### COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 358, 383, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of \$150,000,000 per annum for two years (H. R. 7019).

##### COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

Authorizing the erection of a public warehouse for storage of Government supplies and purchase and condemnation of real estate in the District of Columbia (H. R. 8919).

To create a commission to be known as the commission for the enlarging of the Capitol Grounds (S. 2301).

##### COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To authorize the settlement of the indebtedness of the Hellenic Republic to the United States and of the differences arising out of the tripartite loan agreement of February 10, 1918 (H. R. 10760).

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DENISON: Committee on Interstate and Foreign Commerce. S. 1946. An act relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended; with amendment (Rept. No. 640). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 6480. A bill to authorize appropriations for construction at military posts, and for other purposes; with amendment (Rept. No. 646). Referred to the Committee of the Whole House on the state of the Union.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 7932. A bill to authorize appropriations for construction at military posts, and for other purposes; with amendment (Rept. No. 647). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. H. R. 5806. A bill to authorize the purchase of real estate by the War Department; with amendment (Rept. No. 648). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 5817. A bill to provide for the paving of the Government road extending from St. Elmo, Tenn., to Rossville, Ga.; with amendment (Rept. No. 649). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on the Public Lands. S. 1455. An act to grant extensions of time under coal permits; without amendment (Rept. No. 651). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Insular Affairs. S. 754. An act for the relief of certain Porto Rican taxpayers; with amendment (Rept. No. 652). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. J. Res. 175. A resolution to change the name of the

Ancon Hospital in the Panama Canal Zone to the General Gorgas Hospital; with amendment (Rept. No. 653). Referred to the House Calendar.

Mr. MORROW: Committee on the Public Lands. H. R. 9829. A bill to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands"; with amendment (Rept. No. 654). Referred to the House Calendar.

Mr. JOHNSON of Oklahoma: Committee on the Public Lands. H. R. 465. A bill to authorize the city of Oklahoma City, Okla., to sell certain public squares situated therein; with amendment (Rept. No. 660). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Committee on Disposition of Useless Executive Papers. A report on disposition of useless papers in Government Printing Office (Rept. No. 661). Ordered printed.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 7198. A bill granting the consent of Congress to Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River; with amendment (Rept. No. 662). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 9831. A bill authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.; with amendment (Rept. No. 663). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 9964. A bill authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.; with amendment (Rept. No. 664). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 10070. A bill authorizing the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.; with amendment (Rept. No. 665). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 10144. A bill authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.; with amendment (Rept. No. 666). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 10373. A bill authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.; with amendment (Rept. No. 667). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 10424. A bill authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Fallon, all of Falls City, Nebr., his or their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.; with amendment (Rept. No. 668). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. S. 2902. An act granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.; with amendment (Rept. No. 669). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 7927. A bill granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a bridge across the Atchafalaya River at Melville, La.; with amendment (Rept. No. 670). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 8897. A bill granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois; with amendment (Rept. No. 671). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 9350. A bill granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River; with amendment (Rept. No. 672). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 9361. A bill granting the consent of Congress to

the city of St. Charles, State of Illinois, to widen a bridge across the Fox River within the city of St. Charles, State of Illinois; with amendment (Rept. No. 673). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 9365. A bill granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River; with amendment (Rept. No. 674). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 9761. A bill to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh; with amendment (Rept. No. 675). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 9773. A bill authorizing the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near the mouth of the Big Blue River, in Jackson County, Mo., where the same empties into the Missouri River; with amendment (Rept. No. 676). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 9843. A bill to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.; with amendment (Rept. No. 677). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 9946. A bill to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.; with amendment (Rept. No. 678). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 10025. A bill to extend the time for completing the construction of a bridge across the Monongahela River at or near McKeesport, Pa.; with amendment (Rept. No. 679). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 10026. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Savanna, Ill.; with amendment (Rept. No. 680). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 10143. A bill authorizing the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway; with amendment (Rept. No. 681). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 10298. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans; with amendment (Rept. No. 682). Referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WRIGHT: Committee on Military Affairs. H. R. 2527. A bill for the relief of William Porter; without amendment (Rept. No. 641). Referred to the Committee of the Whole House.

Mr. WRIGHT: Committee on Military Affairs. H. R. 2529. A bill for the relief of Rezin Franklin Neves; without amendment (Rept. No. 642). Referred to the Committee of the Whole House.

Mr. WRIGHT: Committee on Military Affairs. H. R. 2531. A bill for the relief of Marion Francis Wade; with amendment (Rept. No. 643). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 4864. A bill for the relief of William Martin; with amendment (Rept. No. 644). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 4954. A bill for the relief of Thomas Purdell; without amendment (Rept. No. 645). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. S. 496. An act for the relief of M. Zingarell and wife, Mary Alice Zingarell; without amendment (Rept. No. 655). Referred to the Committee of the Whole House.

Mr. ESlick: Committee on War Claims. H. R. 4265. A bill for the relief of certain officers and former officers of the

Army of the United States, and for other purposes; with amendment (Rept. No. 656). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims: H. R. 4266. A bill for the relief of certain officers and former officers of the Army of the United States, and for other purposes; with amendment (Rept. No. 657). Referred to the Committee of the Whole House.

Mr. ESLICK: Committee on War Claims. H. R. 7166. A bill to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies; with amendment (Rept. No. 658). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 9334. A bill for the relief of Morris J. Lang; with amendment (Rept. No. 659). Referred to the Committee of the Whole House.

#### ADVERSE REPORT

Under clause 2 of Rule XIII,

Mr. DYER: Committee on the Judiciary. H. Res. 108. A resolution relative to the number of prohibition agents, administrators, supervisors, investigators, and employees in the employ of the United States Government (Rept. No. 650). Laid on the table.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pension was discharged from the consideration of the bill (H. R. 10841) granting an increase of pension to Catharine A. Curran, and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOX: A bill (H. R. 10951) authorizing the construction of a toll road or causeway across Lake Sabine at or near Port Arthur, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: A bill (H. R. 10952) to fix the salaries of certain judges of Porto Rico; to the Committee on Insular Affairs.

By Mr. LEAVITT: A bill (H. R. 10953) to authorize the Secretary of the Interior to adjust reimbursable debts of Indian tribes; to the Committee on Indian Affairs.

By Mr. GREEN of Iowa: A bill (H. R. 10954) to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.; to the Committee on Ways and Means.

By Mr. ALLGOOD: A bill (H. R. 10955) to amend the immigration act of 1924 by making the quota provisions thereof apply to all nations except those that are barred by the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. DAVILA: A bill (H. R. 10956) amending the immigration laws as applied to Porto Rico; to the Committee on Immigration and Naturalization.

By Mr. EDWARDS: A bill (H. R. 10957) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920; to the Committee on Public Buildings and Grounds.

By Mr. HAUGEN: A bill (H. R. 10958) to amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; to the Committee on Agriculture.

By Mr. HOUSTON of Hawaii: A bill (H. R. 10959) to extend the benefits of certain acts of Congress to the Territory of Hawaii; to the Committee on Agriculture.

By Mr. GOLDSBOROUGH: A bill (H. R. 10960) to adjust the salaries of criers and bailiffs of the United States district courts; to the Committee on the Judiciary.

Also, a bill (H. R. 10961) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on the Civil Service.

By Mr. ALLGOOD: A bill (H. R. 10962) to authorize the stamping into the coinage of the United States of America from silver bullion \$20,000,000 in denominations of 50 cents each commemorating the outstanding achievements of Col. Charles

A. Lindbergh; to the Committee on Coinage, Weights, and Measures.

By Mr. JACOBSTEIN: A bill (H. R. 10963) for the apportionment of Representatives in Congress; to the Committee on the Census.

By Mr. McSWAIN: A bill (H. R. 10964) to amend the national defense act; to the Committee on Military Affairs.

By Mr. REECE: A bill (H. R. 10965) to increase the efficiency of the Military Establishment, and for other purposes; to the Committee on Military Affairs.

By Mr. PARKER: A bill (H. R. 10966) to authorize the sale of Battery Island Fisheries Station; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIOTT: Joint resolution (H. J. Res. 204) providing that the Secretary of Agriculture be directed to give notice that on and after January 1, 1929, the Government will cease to maintain a public market on Pennsylvania Avenue between Seventh and Ninth Streets NW.; to the Committee on Public Buildings and Grounds.

By Mr. HULL of Tennessee: Resolution (H. Res. 114) to secure justice to agriculture; to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 10967) to provide for a survey of Rahway River, N. J., with a view to maintaining an adequate channel of suitable width; to the Committee on Rivers and Harbors.

By Mr. ALLGOOD: A bill (H. R. 10968) for the relief of Claudie Savage; to the Committee on Military Affairs.

By Mr. BACHMANN: A bill (H. R. 10969) granting an increase of pension to Virginia Powell; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 10970) granting a pension to Jennie Boulden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10971) granting an increase of pension to Caroline Stahl; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 10972) granting a pension to George Y. Dudley; to the Committee on Pensions.

By Mr. CANFIELD: A bill (H. R. 10973) granting an increase of pension to Roscoe W. Barker; to the Committee on Pensions.

By Mr. CARTER: A bill (H. R. 10974) for the relief of Carl Holm; to the Committee on World War Veterans' Legislation.

By Mr. CRAIL: A bill (H. R. 10975) for the relief of William M. Cavanaugh; to the Committee on Military Affairs.

Also, a bill (H. R. 10976) granting an increase of pension to Elizabeth Parmelee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10977) granting an increase of pension to Sterrett E. McNulty; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 10978) granting an increase of pension to Nancy E. Ostrom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10979) granting an increase of pension to Mary L. Seeley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10980) granting an increase of pension to Cynthia Stiles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10981) granting an increase of pension to Almira S. Peck; to the Committee on Invalid Pensions.

By Mr. CULLEN: A bill (H. R. 10982) for the relief of Charles Curtis (Inc.); to the Committee on War Claims.

By Mr. DENISON: A bill (H. R. 10983) granting an increase of pension to Laura Heaton; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 10984) granting an increase of pension to Sarah H. Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10985) granting an increase of pension to Susie E. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10986) granting an increase of pension to Missouri Bunch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10987) granting an increase of pension to Christina Figgemeier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10988) granting an increase of pension to Jane Davis; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 10989) granting an increase of pension to Mary A. Savidge; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 10990) for the relief of Gordon C. Bennett; to the Committee on Claims.

By Mr. ROY G. FITZGERALD: A bill (H. R. 10991) granting a pension to Mary A. Karnehm; to the Committee on Pensions.

By Mr. FURLOW: A bill (H. R. 10992) granting a pension to Abbie S. Miller; to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 10993) granting a pension to Hannah Elizabeth Rector; to the Committee on Invalid Pensions.

By Mr. GARNER of Texas: A bill (H. R. 10994) granting a pension to George P. Durham; to the Committee on Pensions.

By Mr. HALL of Indiana: A bill (H. R. 10995) for the relief of Charles E. Reyburn; to the Committee on Claims.

By Mr. JAMES: A bill (H. R. 10996) granting a pension to Emma Obenhoff; to the Committee on Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 10997) granting an increase of pension to Alice R. Husted; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 10998) for the relief of Eliza Jane Wells; to the Committee on War Claims.

Also, a bill (H. R. 10999) granting an honorable discharge to S. W. Greer; to the Committee on Military Affairs.

By Mr. LEATHERWOOD: A bill (H. R. 11000) granting a pension to Caleb D. Brinton; to the Committee on Pensions.

Also, a bill (H. R. 11001) for the relief of Maj. O. S. McCleary, United States Army, retired; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 11002) granting a pension to Louisa F. Wagaman; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 11003) granting an increase of pension to Susan Hunziker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11004) granting an increase of pension to Manda Harris; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 11005) granting an increase of pension to Amanda Gilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11006) granting an increase of pension to Mary L. Dunham; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 11007) granting a pension to Ida Wilkinson; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 11008) granting an increase of pension to Nancy Jane Wilson; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 11009) granting an increase of pension to Amanda Russell; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 11010) granting an increase of pension to Adam Roth; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 11011) granting an increase of pension to Martha E. Twaddle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11012) granting an increase of pension to Rosanah H. Bradley; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11013) granting an increase of pension to Lydia A. Bader; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 11014) for the relief of Don C. Fees; to the Committee on Claims.

By Mr. VINSON of Kentucky: A bill (H. R. 11015) granting an increase of pension to Roena C. Caskey; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 11016) granting an increase of pension to Judith T. Whiteford; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3826. By Mr. ALDRICH: Petition of Ella Hokerson and 23 others, of Providence, R. I., protesting against passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3827. By Mr. ALLEN: Petition of citizens of Moline, Ill., urging Congress to enact the Civil War veteran pension bill; to the Committee on Invalid Pensions.

3828. By Mr. BACHMANN: Petition of Mary Bidgood and 43 signatures of citizens of Wheeling, Ohio County, W. Va., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3829. By Mr. BUCKBEE: Petition of the Rockford City Fire Department, in favor of House bill 9346 and Senate bill 2852, to increase the salary of the fire and police departments of the city of Washington; to the Committee on the District of Columbia.

3830. By Mr. BURTON: Memorial of citizens of Pocopson, Pa., protesting against the proposed naval construction program; to the Committee on Naval Affairs.

3831. Also, petition of citizens of Harrisburg, Pa., urging the passage of House Joint Resolution 1, prohibiting the shipment

of arms, etc., to aggressor nations; to the Committee on Foreign Affairs.

3832. Also, memorial of various citizens of Whittier and Springville, Iowa, protesting against the proposed program for naval expansion; to the Committee on Naval Affairs.

3833. By Mr. CANFIELD: Resolution of Edward Jameson, commander, and Nicholas Zimmer, adjutant and quartermaster, of the Robert Huff Post, No. 89, Grand Army of the Republic, of Lawrenceburg, Ind., asking for immediate relief for Civil War veterans and their widows as set out in the resolution; to the Committee on Invalid Pensions.

3834. By Mr. CARTER: Petition of Frederick W. Dunster and many others, of Berkeley, Calif., urging the passage of legislation increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3835. By Mr. CHALMERS: Petitions against compulsory Sunday observance signed by residents of Toledo, Ohio; to the Committee on the District of Columbia.

3836. By Mr. CRAIL: Petition of the Los Angeles Branch of the Women's International League for Peace and Freedom, protesting against the gigantic naval-armorament construction program; to the Committee on Naval Affairs.

3837. Also, petitions in the form of telegrams voicing protest against armament program before Congress; to the Committee on Naval Affairs.

3838. Also, petition of H. S. Hazeltine, against putting immigration from Mexico on a quota basis; to the Committee on Immigration and Naturalization.

3839. By Mr. CURRY: Petition of citizens of third California district, against House bill 78; to the Committee on the District of Columbia.

3840. Also, petition of 2,049 residents of the third district of California, protesting against the enactment of the Lankford Sunday bill for the District of Columbia; to the Committee on the District of Columbia.

3841. By Mr. DENISON: Petition of various citizens of Mankanda, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill, in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

3842. Also, petition of various citizens of Pinckneyville, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

3843. Also, petition of various citizens of Perry County, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

3844. By Mr. ESTEP: Petition of Allegheny County Grand Army Association, Pittsburgh, urging that any and all legislation in the interests of relief for surviving veterans and the widows of veterans of the Civil War be given favorable consideration; to the Committee on Invalid Pensions.

3845. By Mr. EVANS of Montana: Petition of Charles Stanton and other residents of Hamilton, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3846. Also, petition of Mrs. A. L. Lyman and other residents of Darby, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3847. Also, petition of Mrs. Frank Cooper, of Missoula, Mont., and residents of Darby, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3848. Also, petition of Mrs. L. J. Van Houten and other residents of Custer, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3849. Also, petition of Mrs. Bird Baugher and other residents of Missoula, Mont., protesting against the passage of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

3850. By Mr. W. T. FITZGERALD: Petition of professors, pastors, and students of Witmarsum Seminary, Bluffton, Ohio, protesting against the passage of the Navy bill, as a means of leading the Nation into war; to the Committee on Naval Affairs.

3851. Also, memorial of the First Mennonite Church of Bluffton, Ohio, urging the defeat of the naval appropriation program; to the Committee on Naval Affairs.

3852. By Mr. FOSS: Indorsement by Capt. John Joslin, jr., Chapter of the Daughters of the American Revolution of House Resolution No. 2, regulation of a flag code; to the Committee on the Judiciary.

3853. By Mr. HAWLEY: Petition of residents of Sitkum, Canby, Newberg, 6 petitions of residents of Salem, petition of

residents of Kerby, Dayton, Milwaukee, Monmouth, Eagle Creek, Harlan, Monroe, 2 petitions of residents of Eugene, 3 of Silverton, 18 of Coos County, 1 of Lincoln County, 1 of Linn County, 1 of Polk County, 2 of Clackamas County, 3 of Marion County, 8 of Lane County, and 9 of the first congressional district, all in the State of Oregon, against the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3854. By Mr. HICKEY: Petition of DeWitt S. Osgood and other citizens of Elkhart, Ind., opposing the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3855. By Mr. HOOPER: Petition of Charles S. Loud and 110 other residents of Calhoun County, Mich., urging to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune for relief of needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

3856. By Mr. HOUSTON of Hawaii: Petition of the Hon. W. R. Farrington, Governor of the Territory of Hawaii, and 46 other citizens of the Territory of Hawaii, urging the increase of pensions of certain veterans of the Civil War to \$95 per month; to the Committee on Invalid Pensions.

3857. By Mr. WILLIAM E. HULL: Petition of Isabelle Davis and other citizens of Peoria, Ill., for increase of pension of widows of Civil War veterans; to the Committee on Invalid Pensions.

3858. Also, petition of D. N. Phenix and other citizens of Bradford, Ill., for increase of pension of widows of Civil War veterans; to the Committee on Invalid Pensions.

3859. By Mr. JOHNSON of Texas: Petition of Jefferson County, Tex., Chapter of the Reserve Officers' Association of the United States, favoring the creation of a department of national defense, with three equal branches, namely, (a) Army, (b) Navy, and (c) Air; to the Committee on Military Affairs.

3860. Also, petition of Hearne Chamber of Commerce, of Hearne, Tex., opposing the Box Mexican immigration bill; to the Committee on Immigration and Naturalization.

3861. By Mr. JOHNSON of Washington: Petition of Elder A. R. Bell and 1,501 other citizens of Tacoma, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3862. Also, petition of Tacoma Council of Parent-Teacher Associations, favoring the Curtis-Reed education bill; to the Committee on Education.

3863. Also, petition of 33 citizens of Elma, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3864. Also, petition of V. O. Wallace and 31 other citizens of Chehalis, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3865. By Mr. KORELL: Petition of citizens of Portland, Oreg., protesting against the enactment of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

3866. By Mr. LAGUARDIA: Petition of Republican county committeemen and committee women of the third assembly district, county of Queens, New York City, urging increase of pension for Civil War veterans; to the Committee on Invalid Pensions.

3867. By Mr. LETTS: Petition of Gerald Meyer and other citizens, of Davenport, Iowa, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3868. By Mr. LINDSAY: Petition of adjutant general, State of New York, for restoration of allowances made by the Budget for the National Guard, providing adequate funds for armory drills and camps of instruction; to the Committee on Appropriations.

3869. By Mr. LINTHICUM: Petition of Mrs. John N. Parker, Miss Lillian Bulla, Miss Florence L. Hooper, Mrs. Arthur K. Taylor, Mrs. Mary V. Campbell, Franklin O. Curtis, Eleanor D. Smith, Richard J. White, and others, of Baltimore, registering opposition to the naval construction bill; to the Committee on Naval Affairs.

3870. Also, petition of Stanley F. Burrows, Bethesda, Md.; E. B. Clark, Baltimore; Francis M. Caulfield; and Miss Martha F. Fennelly, indorsing House bill 25; to the Committee on the Civil Service.

3871. Also, petition of Samuel M. Dell & Co., Baltimore, and Baltimore Association of Commerce, Baltimore, urging passage of House bill 9195, Cuban parcel post bill; to the Committee on Ways and Means.

3872. Also, petition of Baltimore Association of Commerce and Maryland Bankers' Association of Baltimore, Md., registering opposition to Senate bill 744, on the American merchant marine; to the Committee on the Merchant Marine and Fisheries.

3873. Also, petition of Thanbouser & Weiller, the Gandy Belt-ing Co., Lewis W. Lake, and M. S. Levy & Sons, all of Baltimore, Md., urging legislation for Mississippi Valley flood control be passed; to the Committee on Flood Control.

3874. By Mr. LUCE: Petition of A. C. Walton, Needham, Mass., regarding amendment to the civil service retirement act; to the Committee on the Civil Service.

3875. By Mr. McDUFFIE: Petition of citizens of Gilbertown, Ala., protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3876. By Mr. McKEOWN: Petition of Susan Hunzeken and others, urging the passage of Civil War pension bill; to the Committee on Invalid Pensions.

3877. Also, petition of Manda Harris and other citizens of Kindrick, Okla., urging an increase for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3878. Also, petition of Leonard Crawford and 70 other citizens of Shawnee, Okla., protesting the passage of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

3879. By Mr. MAPES: Petition of 17 residents of Ada, Mich., advocating the enactment of additional legislation for the benefit of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3880. Also, petition of 55 residents of Grand Rapids, Mich., and vicinity, advocating the enactment of additional legislation for the benefit of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3881. By Mr. MEAD: Petition of residents of Buffalo, N. Y., in opposition to Senate bill 1667; to the Committee on Interstate and Foreign Commerce.

3882. By Mr. Miller: Petition of citizens of Bremerton, Wash., protesting passage of House bill 78, the District Sunday closing law; to the Committee on the District of Columbia.

3883. By Mr. MORIN: Petition of the Allegheny County Grand Army Association, of Pittsburgh, Pa., urging passage of such pension legislation as will bring the much needed relief to the surviving veterans and the widows of veterans of the Civil War; to the Committee on Pensions.

3884. By Mr. MORROW: Petition of five different congregations of churches in East Las Vegas, N. Mex., favoring enactment of Stalker bill (H. R. 9588), increasing penalties for violation of Volstead act, presented by Mrs. Viola Phillips, secretary Women's Christian Temperance Union; to the Committee on the Judiciary.

3885. Also, petition of game and fish commission of New Mexico indorsing McSweeney-McNary bill, increasing facilities of Department of Agriculture for research in forestry; to the Committee on Agriculture.

3886. Also, petition of pastor and members of Presbyterian Church, Las Cruces, N. Mex., opposing proposed naval program, submitted by Miss Anna R. Hadley, representing the valley federation of missionary societies; to the Committee on Naval Affairs.

3887. By Mr. MURPHY: Petition of Mrs. Laura Garside and 15 others, of Salem, Ohio, praying for the passage of Civil War pension bill; to the Committee on Invalid Pensions.

3888. By Mr. NEWTON: Petition of O. L. Hilde, of Minneapolis, and others, against Sunday compulsory observance; to the Committee on the District of Columbia.

3889. By Mr. O'CONNELL: Petition of H. McCoy Clements, financial corresponding secretary and treasurer of Lodge No. 50, International Brotherhood of Boiler Makers and Iron Ship Builders and Helpers of America, Charleston, S. C., favoring the elimination of the continuous-service clause in the Federal employees' retirement bill; to the Committee on the Civil Service.

3890. By Mr. PRALL: Resolutions passed and adopted unanimously by the National Guard Association of the State of New York, in convention assembled in Albany, N. Y., received from Capt. William J. Mangine, secretary National Guard Association, Albany, N. Y.; to the Committee on World War Veterans' Legislation.

3891. Also, resolution passed and adopted by the National Guard Association of the State of New York, in convention assembled in Albany, N. Y., January 13 and 14, 1928, received from Capt. William J. Mangine, secretary of the National Guard Association, Albany, N. Y.; to the Committee on World War Veterans' Legislation.

3892. By Mr. RAMSEYER: Petition of residents of sixth congressional district of Iowa, protesting against the passage of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3893. By Mr. REED of New York: Petition indorsing Civil War pension bill from residents of Chautauqua and Little Valley, N. Y.; to the Committee on Invalid Pensions.

3894. Also, petition of residents of Arkport and West Almond, N. Y., protesting against House bill 78; to the Committee on the District of Columbia.

3895. By Mrs. ROGERS: Petition of Osborne L. Smith, secretary of the Seventh Day Adventist Church, of 98 Marginal Street, Lowell, Mass., with 38 signatures of citizens of Lowell, Mass., against compulsory Sunday observance bill (H. R. 78) or any other similar proposed measure; to the Committee on the District of Columbia.

3896. By Mr. RUBEY: Petition of citizens of sixteenth district of Missouri, protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3897. Also, petition by citizens of Wright County, Mo., urging passage of legislation for increased pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

3898. By Mr. SHREVE: Petition by a large number of citizens of Spartansburg, Pa., for the immediate passage of pension relief for veterans of the Civil War and their widows, sponsored by the National Tribune; to the Committee on Invalid Pensions.

3899. Also, petition by numerous citizens of Erie, Pa., for the immediate passage of the pension relief bill sponsored by the National Tribune; to the Committee on Invalid Pensions.

3900. Also, petition by numerous citizens of Erie, Pa., protesting against the passage of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3901. By Mr. SMITH: Communication signed by S. J. Kenepf and other residents of Payette, Idaho, favoring the settlement of international controversies by arbitration, and opposing unreasonable expenditures in enlarging the Navy and Army; to the Committee on Military Affairs.

3902. By Mr. SPEAKS: Petition by Mrs. Effie Makes Russell and some 55 citizens of Columbus, Ohio, urging the enactment of legislation increasing pension rates for Civil War soldiers and survivors; to the Committee on Invalid Pensions.

3903. By Mr. STRONG of Pennsylvania: Petition of 152 citizens of Callensburg, Pa., urging immediate action of Congress on a bill to increase the rates of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3904. By Mr. THOMPSON: Petition of citizens of Latty, Ohio, protesting against House bill 78, the Sunday observance bill; to the Committee on the District of Columbia.

3905. By Mr. TIMBERLAKE: Petition protesting against placing Mexican agricultural immigration on quota basis; to the Committee on Immigration and Naturalization.

3906. Also, petition from Colorado State Farm Bureau, opposing further Mexican immigration restriction as proposed in Box bill; to the Committee on Immigration and Naturalization.

3907. By Mr. WATSON: Resolution passed by the Doylestown (Pa.) Council, No. 40, Sons and Daughters of Liberty, favoring House bill 5473, to provide for the registration of aliens, and for other purposes; to the Committee on Immigration and Naturalization.

3908. Also, resolution passed at the Falls monthly meeting of Friends, held at Fallsington, Pa., February 9, 1928, in opposition to a large naval program; to the Committee on Naval Affairs.

3909. Also, resolution passed by the Colony Club, Ambler, Pa., in opposition to an increased naval program; to the Committee on Naval Affairs.

3910. Also, petition from Wrightstown, Pa., monthly meeting of Friends, in opposition to proposed increased naval program; to the Committee on Naval Affairs.

3911. Also, resolution passed at a meeting of the Makefield Liberty Club, in opposition to the proposed increased naval program; to the Committee on Naval Affairs.

## SENATE

WEDNESDAY, February 15, 1928

(Legislative day of Monday, February 13, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Broussard	Deneen	Gerry
Barkley	Bruce	Dill	Gillett
Bayard	Capper	Edge	Glass
Bingham	Caraway	Edwards	Gooding
Black	Copeland	Ferris	Gould
Blaine	Couzens	Fess	Greene
Borah	Curtis	Fletcher	Hale
Bration	Cutting	Fraxier	Harris
Brookhart	Dale	George	Harrison

Hawes	Mayfield
Hayden	Metcalf
Hedin	Moses
Howell	Neely
Johnson	Norbeck
Jones	Norris
Kendrick	Nye
Keyes	Oddie
King	Overman
La Follette	Phipps
McKellar	Pine
McLean	Pittman
McMaster	Ransdell
McNary	Reed, Mo.

Reed, Pa.
Robinson, Ark.
Robinson, Ind.
Sackett
Schall
Sheppard
Shipstead
Shortridge
Simmons
Smith
Smoot
Steck
Steiner
Stephens

Swanson
Thomas
Trammell
Tydings
Tyson
Wagner
Walsh, Mass.
Walsh, Mont.
Warren
Waterman
Watson
Wheeler
Willis

The VICE PRESIDENT. Ninety-one Senators having answered to their names, a quorum is present.

### BATTERY ISLAND FISHERIES STATION, MD.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting a draft of proposed legislation recommended by the department to authorize the sale of the land and improvements known as Battery Island Fisheries Station, Md., which, with the accompanying paper, was referred to the Committee on Commerce.

### PETITIONS AND MEMORIALS

Mr. PITTMAN. Mr. President, I present and ask to have printed in the RECORD and referred to the Committee on Agriculture and Forestry Joint Resolution 2 of the Legislature of the State of Nevada, which is entitled "Assembly joint resolution memorializing the Secretary of Agriculture of the United States to continue in effect his Federal quarantine against importation into the United States of livestock and livestock products from foreign countries where foot-and-mouth disease is known to exist."

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Assembly Joint Resolution 2 (Mr. Winter), memorializing the Secretary of Agriculture of the United States to continue in effect his Federal quarantine against importation into the United States of livestock and livestock products from foreign countries where foot-and-mouth disease is known to exist

[Approved February 3, 1928]

Whereas reports are being circulated that the present Federal Government quarantine against importation to the United States of livestock, meats, hides, and similar livestock products from foreign countries where foot-and-mouth disease is known to exist may be abolished or modified; and

Whereas foot-and-mouth disease is known to be one of the most destructive of the contagious and infectious diseases affecting livestock, its appearance in this country, based upon past experience, not only causing terrific losses of livestock, but requiring control measures necessitating drastic restriction of movement of all kinds of commerce in the areas affected as well as large expenditure of public funds: Therefore be it

Resolved by the Assembly and Senate of the State of Nevada, That we indorse and approve the action of the Secretary of Agriculture of the United States in establishing the aforesaid quarantine and most strongly urge upon him the necessity and desirability of its continuance in force against all foreign countries where foot-and-mouth disease exists; and be it further

Resolved, That copies of this resolution, duly authenticated by the proper officials of the State of Nevada, be sent to the Hon. W. M. Jardine, Secretary of Agriculture of the United States, and to each Member of the Nevada delegation in the Congress of the United States.

MORLEY GRISWOLD,  
President of the Senate.  
V. R. MERRILL,  
Secretary of the Senate.  
DOUG H. TANDY,  
Speaker of the Assembly.  
JOHN W. WRIGHT,  
Chief Clerk of the Assembly.

### STATE OF NEVADA.

#### Department of State, ss:

I, W. G. Greathouse, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original Assembly Joint Resolution No. 2, introduced by Mr. Winter, approved February 3, 1928, now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State at my office in Carson City, Nev., this 10th day of February, A. D. 1928.

[SEAL.]

W. G. GREATHOUSE,  
Secretary of State.

Mr. PITTMAN. I also present and ask to have printed in the RECORD and referred to the Committee on Post Offices and Post Roads, Assembly Joint Resolution 1, of the Legislature of the State of Nevada, memorializing Congress relative to